



## 2022 Constitutional Convention

American Samoa Government  
Pago Pago, American Samoa 96799  
(684) 633 4121 | (684) 633 6226



**TUAOLO MANAIA E. FRUEAN**  
CHAIRMAN

**FA'IVAE IULI ALEXANDER GODINET**  
VICE CHAIRMAN

**T'ALEMASUNU DR. MIKAELE ETUALE**  
SECRETARY

**TAPA'AU DR. DANIEL AGA**  
EXECUTIVE DIRECTOR

September 7, 2022

Honorable L. P. S. Mauga  
Governor  
American Samoa Government  
Pago Pago, American Samoa 96799

Dear Governor Lemanu,

The Constitutional Convention of 2022 has completed the mandates outlined in Executive Order 001-2022, Executive Order 006-2022, and Executive Order 007-2022 for the purpose of amending or revising the 1967 Revised Constitution of American Samoa.

The amendments approved by the 2022 Constitutional Convention are marked in the text of the Revised Constitution of American Samoa that follows.

I believe that these amendments will help develop local government and respond to changing conditions in American Samoa.

Sincerely,

TUAOLO MANAIA E. FRUEAN  
Chairman  
2022 Constitutional Convention

Appendices:

Executive Order 001-2022  
Executive Order 006-2022  
Executive Order 007-2022  
Proclamation Constitutional Convention of 2022



**TUAOLO MANAIA E. FRUEAN**  
CHAIRMAN

**FA'IVAE IULI ALEXANDER GODINET**  
VICE CHAIRMAN

**Fono o le Faavae 2022**  
Malo o Amerika Samoa  
Pago Pago, Amerika Samoa 96799  
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**TI'ALEMASUNU DR. MIKAELE ETUALE**  
SECRETARY

**TAPA'AU DR. DANIEL AGA**  
EXECUTIVE DIRECTOR

Setema 7, 2022

Afioga Lemanu P.S. Mauga  
Kovana  
Malo o Amerika Samoa  
Pago Pago, Amerika Samoa 96799

Lau Afioga e Kovana Lemanu,

Ua mae'a nei ona faataunuuina e le Fono o le Faavae o le 2022 le galuega e tusa ma le poloa'iga na auiliiliina i le Poloa'iga Faaletulafono 001-2022, Poloa'iga Faaletulafono 006-2022, ma le Poloa'iga Faaletulafono 007-2022 e suia pe toe teuteu ai le Faavae Toe Teuteuina o Amerika Samoa 1967.

O suiga na faamaonia e le Fono o le Faavae 2022 o loo faailoga atu i le tusitusiga o le Faavae Toe Teuteuina o Amerika Samoa o loo tuuina atu iinei.

Ou te talitonu o le a fesoasoani nei suiga i le atiina'e o lo tatou malo faalotoifale ma tali atu i le suiga i Amerika Samoa.

Faamaoni lava,

**TUAOLO MANAIA E. FRUEAN**  
Ta'ita'ifono  
Fono o le Faavae 2022

Faapipii:  
Poloaiga a le Kovana 001-2022  
Poloaiga a le Kovana 006-2022  
Poloaiga a le Kovana 007-2022  
Poloaiga Fa'alau'itele Fono o le Faavae 2022



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EXECUTIVE DIRECTOR

### Acknowledgements

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Office of Samoan Affairs

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Roy Hall, Legal Counsel                      Faoa Sunia, Legal Counsel

Dr. Uiagalelei Lealofi, Election Commissioner  
Fiti Tavai, Deputy Commissioner, Election Office

Peseta Tia Seloti, Chief Translator  
Jim Himphill, Historian  
Kristi Thaxton, Legal Counsel, Office of the Governor

Office of Political Status, Constitutional Review & Federal Relations:  
Tapa'au Dr. Dan Aga, Executive Director

Su'a Richard Seumanutafa                      Reverend Uaea Satele  
Pa'u Dr. Roy Ausage                              Lindsey Laupola  
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# **Summary of Amendments to the Revised Constitution of American Samoa**

## **Approved by the 2022 Constitutional Convention**

### **1. THE CHIEF JUSTICE**

This amendment removes the authority of the Secretary of Interior to appoint the Chief Justice of American Samoa and any Associate Justices.

Instead, the decision will be left to the Governor of American Samoa subject to confirmation by the Legislature. If approved, the Chief Justice and Associate Justices shall hold their offices during good behavior until resignation, retirement, death, or impeachment. (Amending Article III, Section 3).

### **2. THE SECRETARY OF INTERIOR**

This amendment removes the authority of the Secretary to review or overturn a decision of the American Samoa High Court. (Adding Article III, Section 4).

### **3. THE VETO OVERRIDE**

This amendment removes the authority of the Secretary of Interior to approve or disapprove a bill passed by the Legislature over the Governor's veto. (Amending Article II, Section 9 and Section 11).

### **4. HOUSE REAPPORTIONMENT**

This amendment adds one (1) seat to Representative District No. 12 – Ituau and, adds one (1) seat to Representative District No. 15 - Ma'upu. If approved, the total number of seats in the House would increase from 20 to 22. (Amending Article II, Section 2).

### **5. MALAEIMI**

This amendment adds the village of “Malaeimi” to Representative District No. 12 – Ituau. (Amending Article II, Section 2).



## **6. SWAINS ISLAND VOTE**

This amendment would grant the delegate from Swains Island the right to vote in the House of Representatives. (Amending Article II, Section 2).

## **7. MANU'A SENATORS**

This amendment increases the membership of the Manu'a District in the Senate from three (3) to five (5) members. (Amending Article II, Sections 2).

Each of the five counties of Manu'a would have one Senator. (Amending Article II, Section 4).

## **8. IMPEACHMENT**

This amendment provides an impeachment process of the Governor and Lt. Governor. (Adding Article II, Section 26).

## **9. AMERICAN SAMOA GOVERNMENT**

This amendment will insert "American Samoa Government" in place of "Government of American Samoa".

(Amending Article I, Section 3; Article I, Section 11; Article I, Section 12, twice; Article II, Section 20; Article III, Section 2; Article IV, Section 7; Article IV Section 8; Article IV Section 11).

## **10. MA'OPUTASI**

This amendment changes "Ma'uputasi" to "Ma'oputasi".  
(Amending Article II, Section 2, Article II, Section 4, and Article V, Section 10).

## **11. LEASINA MA AITULAGI**

This amendment adds "ma Aitulagi" to "Leasina" for the name "Leasina ma Aitulagi".  
(Amending Article II, Section 2 and Article V, Section 10).

# **Revised Constitution of American Samoa**

## **Article I**

### **Bill of Rights**

#### **Section**

1. Freedom of religion, speech, press, rights of assembly and petition.
2. No deprivation of life, liberty or property without due process.
3. Policy protective legislation.
4. Dignity of the individual.
5. Protection against unreasonable searches and seizures.
6. Rights of an accused.
7. Habeas corpus.
8. Quartering of militia.
9. Imprisonment for debt.
10. Slavery prohibited.
11. Treason.
12. Subversives ineligible to hold public office.
13. Retroactive laws and bills of attainder.
14. Health, safety, morals and general welfare.
15. Education.
16. Unspecified rights and privileges and immunities.

## **Article II**

### **The Legislature**

1. Legislature.
2. Membership.
3. Qualification of members.
4. Manner of election.
5. Elections.
6. Term of office
7. Qualifications of electors.
8. Legislative sessions.
9. Enactment of law; vetoes.
10. Passage of bills.
11. Powers of each house
12. Freedom from arrest.
13. Vacancies.
14. Public sessions.
15. Reading—Passage of bills.
16. Title.

17. Amendments and revisions by reference.
18. Appointment to new offices.
19. Effective date of laws.
20. Legislative counsel.
21. Quorum.
22. Qualifications and officers.
23. Adjourning Legislature.
24. Special or exclusive privileges not to be granted; local or special laws.
25. Compensation of the Legislature.

### **Article III**

#### **Judicial Branch**

1. Judicial power.
2. Independence of the courts.
3. Appointments.

### **Article IV**

#### **Executive Branch**

1. Appointments.
2. Governor.
3. Secretary.
4. Secretary of Samoan Affairs.
5. Militia and posse comitatus.
6. Executive regulations.
7. Supervision and control by Governor.
8. Annual report.
9. Pardoning power.
10. Recommendation of laws.
11. Appointment of officials.
12. Removal of officers; powers and duties of officers.
13. Publication of laws.

**Article V**  
**Miscellaneous**

1. Officers.
2. Existing laws.
3. Amendments.
4. Revision of the Constitution.
5. Existing rights and liabilities.
6. Oaths.
7. Construction.
8. Provisions self-executing.
9. Seat of Government.
10. Political districts and counties.
11. Effective date.

**Preamble**

Whereas the Congress of the United States, in its Act of February 20, 1929, provided that until the Congress shall provide for the Government of the islands of American Samoa, all civil, judicial, and military powers shall be vested in such person or persons and exercised in such manner as the President of the United States shall direct; and

Whereas by Executive Order No. 10264 the President of the United States directed that the Secretary of the Interior should take such action as may be necessary and appropriate and in harmony with applicable law, for the administration of civil government in American Samoa; and

Whereas it is appropriate that, in the process of developing self-government, the people of American Samoa should enjoy certain rights and responsibilities inherent in the representative form of government; and

Whereas it is desirable that these rights and responsibilities be clearly set forth in a Constitution, and the adoption of a Constitution is in harmony with applicable law; and

Whereas the Constitution adopted in 1960 provided for a revision thereof:

Now, therefore, the 1967 Revised Constitution of American Samoa and amendments adopted subsequently including amendments approved by the 2022 Constitutional Convention of the people of American Samoa and voters at the 2022 general election, and reviewed by the Secretary of Interior and ratified and approved by Congress in its Act of \_\_\_\_\_, are ~~this revised Constitution,~~

~~having been ratified and approved by the Secretary of the Interior and having been approved by a Constitutional Convention of the people of American Samoa and a majority of the voters of American Samoa voting at the 1966 election, is established to further advance government of the people, by the people, and for the people of American Samoa.~~

## **Article I**

### **Bill of Rights**

#### **Section 1. Freedom of religion, speech, press, rights of assembly and petition.**

There shall be separation of church and government, and no law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

#### **Section 2. No deprivation of life, liberty or property without due process.**

No person shall be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use without just compensation.

#### **Section 3. Policy protective legislation.**

It shall be the policy of the ~~Government~~ of American Samoa Government to protect persons of Samoan ancestry against alienation of their lands and the destruction of the Samoan way of life and language, contrary to their best interests. Such legislation as may be necessary may be enacted to protect the lands, customs, culture, and traditional Samoan family organization of persons of Samoan ancestry, and to encourage business enterprises by such persons. No change in the law respecting the alienation or transfer of land or any interest therein shall be effective unless the same be approved by two successive legislatures by a two-thirds vote of the entire membership of each house and by the Governor.

#### **Section 4. Dignity of the individual.**

The dignity of the individual shall be respected and every person is entitled to protection of the law against malicious and unjustifiable public attacks on the name, reputation, or honor of himself or of his family.

#### **Section 5. Protection against unreasonable searches and seizures.**

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. Evidence obtained in violation of this section shall not be admitted in any court.

**Section 6. Rights of an accused.**

No person shall be subject for the same offense to be twice put in jeopardy of life or liberty; nor shall he be compelled in any criminal case to be a witness against himself; and the failure of the accused to testify shall not be commented upon nor taken against him. In all criminal prosecutions, the accused shall have the right to a speedy and public trial, to be informed of the nature and the cause of the accusation and to have a copy thereof; to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence. Every man is presumed innocent until he is pronounced guilty by law, and no act of severity which is not reasonably necessary to secure the arrest of an accused person shall be permitted. All persons shall be bailable by sufficient sureties except where the judicial authorities shall determine that the presumption is great that an infamous crime, which term shall include murder and rape, has been committed and that the granting of bail would constitute a danger to the community. Bail shall be set by such judicial authorities. Excessive bail shall not be required, nor excessive fines imposed nor cruel or unusual punishments inflicted.

**Section 7. Habeas corpus.**

The writ of habeas corpus shall be granted without delay and free of costs. The privilege of the writ of habeas corpus shall not be suspended except by the Governor and then only when the public safety requires it in case of war, rebellion, insurrection or invasion.

**Section 8. Quartering of militia.**

No soldier or member of the militia shall, in time of peace, be quartered in any house without the consent of the owner or the lawful occupant, nor in time of war, except in a manner prescribed by law. The military authority shall always be subordinate to the civil authority in time of peace.

**Section 9. Imprisonment for debt.**

There shall be no imprisonment for debt except in cases of fraud.

**Section 10. Slavery prohibited.**

Neither slavery, nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in American Samoa.

**Section 11. Treason.**

Treason against the ~~Government of American Samoa~~ Government shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or a confession in open court.

**Section 12. Subversives ineligible to hold public office.**

No person who advocates, or who aids or belongs to any party, organization, or association which advocates the overthrow by force or violence of the ~~Government of American Samoa~~ Government or of the United States shall be qualified to hold any public office of trust or profit under the ~~Government of American Samoa~~ Government.

**Section 13. Retroactive laws and bills of attainder.**

No bill of attainder, ex post facto law nor any law impairing the obligation of contracts shall be passed.

**Section 14. Health, safety, morals and general welfare.**

Laws may be enacted for the protection of the health, safety, morals and general welfare, of the people of American Samoa.

**Section 15. Education.**

The Government shall operate a system of free and non-sectarian public education. The government will also encourage qualified persons of good character to acquire further education, locally and abroad, both general and technical, and thereafter to return to American Samoa to the end that the people thereof may be benefited.

**Section 16. Unspecified rights and privileges and immunities.**

The enumeration of certain rights in this Constitution shall not be construed to impair or deny other rights retained by the people. No law shall be made or enforced which shall abridge the privileges or immunities of the citizens of American Samoa.

## **Article II**

### **The Legislature**

#### **Section I. Legislature.**

There shall be a Legislature which shall consist of a Senate and House of Representatives. The Legislature shall have authority to pass legislation with respect to subjects of local application, except that:

1. No such legislation may be inconsistent with, this Constitution or the laws of the United States applicable in American Samoa;
2. No such legislation may conflict with treaties or international agreements of the United States;
3. Money bills enacted by the Legislature of American Samoa shall not provide for the appropriation of funds in excess of such amounts as are available from revenues raised pursuant to the tax laws and other revenue laws of American Samoa. Prior to his final submission to the Secretary of the Interior of requests for Federal funds necessary for the support of governmental functions in American Samoa, the Governor shall prepare a preliminary budget plan. He shall submit such plan to the Legislature in joint session for its review and approval with respect to such portions as relate to expenditures of funds proposed to be appropriated by the Congress of the United States. Amended 1971, S.J.R. No.4, effective March 19, 1971.
4. Legislation involving the expenditure of funds other than as budgeted shall include revenue measures to provide the needed funds.

#### **Section 2. Membership.**

The Senate shall consist of ~~eighteen~~ twenty members, ~~three~~ five from the Manu'a District, six from the Western District, and nine from the Eastern District.

The House of Representatives shall consist of ~~twenty~~ twenty-two members elected from the following representative districts, the number of representatives from each of the districts to be as indicated:

Representative District No. 1

Composed of Ta'u, Fitiuta and Faleasao: 2 Representatives

Representative District No. 2

Composed of Ofu, Olosega and Sili: 1 Representative

Representative District No. 3

Vaifanua — Composed of the Villages of Alao, Aoa, Onenoa, Tula and Vatia: 1 Representative

Representative District No. 4

Saole — Composed of the Villages of Aunuu, Amouli, Utumea and Alofau: 1 Representative



Representative District No. 5

Sua No. 1 — Composed of the Villages of Fagaitua, Amaua, Auto, Avaio, Alega, Aumi and Laulii: 1 Representative

Representative District No. 6

Sua No. 2 — Composed of the Villages of Sailele, Masausi, Masefau and Afono: 1 Representative

Representative District No. 7

~~Ma'uputasi~~ Ma'oputasi No. 1 — Composed of the Villages of Fatumafuti, Fagaalu and Utulei: 1 Representative

Representative District No. 8

~~Ma'uputasi~~ Ma'oputasi No. 2 — Composed of the Village of Fagatogo: 1 Representative

Representative District No. 9

~~Ma'uputasi~~ Ma'oputasi No. 3 — Composed of the Village of Pago Pago: 1 Representative

Representative District No. 10

~~Ma'uputasi~~ Ma'oputasi No. 4 — Composed of the Villages of Satala, Atuu and Leloaloa: 1 Representative

Representative District No. 11

~~Ma'uputasi~~ Ma'oputasi No. 5 — composed of the Village of Aua: 1 Representative

Representative District No. 12

Ituau — composed of the Villages of Nu'uuli, Fagasa, Matuu, Faganeanea, and Malaeimi: ~~2~~ 3 Representatives

Representative District No. 13

Fofo — composed of the Villages of Leone and Auma: 1 Representative

Representative District No. 14

Lealataua — composed of the Villages of Fagamalo, Fagalii, Poloa, Amanave, Failolo, Agagulu Seetaga, Nua, Atauloma, Afao, Amaluia and Asili: 1 Representative

Representative District No. 15

Ma'upu — composed of the Villages of Tafuna, Mesepa; Faleniu, Mapusaga Fou, Pavaiai, Iliili and Vaitogi: ~~2~~ 3 Representatives

Representative District No. 16

Tualatai- composed of the Villages of Futiga, Ituau (Malaeloa), Taputimu and Vailoatai: 1 Representative

Representative District No. 17

Leasina ma Aitulagi — composed of the Villages of Aitulagi (Malaeloa), Aoloau and Asu: 1 Representative

Senators and representatives shall be reapportioned by law at intervals of not less than 5 years. The adult permanent residents of Swains Island who are United States nationals may elect at an open meeting a delegate to the House of Representatives who shall have all the privileges of a member of the House ~~except the right to vote~~.

### **Section 3. Qualifications of members.**

A Senator shall;

1. be a United States National;
2. be at least 30 years of age at the time of his election;
3. have lived in American Samoa at least 5 years and have been a bona fide resident thereof for at least 1 year next preceding his election; and
4. be the registered matai of a Samoan family who fulfills his obligations as required by Samoan custom in the county from which he is elected.

A Representative shall;

1. be a United States National;
2. be at least 25 years of age at the time of his election; and
3. have lived in American Samoa for a total of at least 5 years and have been a bona fide resident of the representative district from which he is elected for at least 1 year next preceding his election.

A delegate from Swains Island shall have the qualifications of a Representative except that in lieu of residence in a representative district, he shall have been a bona fide resident of Swains Island for at least one year next preceding his election.

No person who shall have been expelled from the Legislature for giving or receiving a bribe or being an accessory thereto, and no person who shall have been convicted of a felony under the laws of American Samoa, the United States, or the laws of any state of the United States, shall sit in the Legislature, unless the person so convicted shall have been pardoned and have had his civil rights restored to him.

No employee or public officer of the Government shall be eligible to serve in the Legislature while holding such position. The prohibition contained herein shall become effective on July 1, 1971. Amended 1971, S.J.R. No.3, approved by Secretary of the Interior, March 19, 1971.

#### **Section 4. Manner of Election.**

Senators shall be elected in accordance with Samoan custom by the county councils of the counties they are to represent, the number of senators from a county or counties to be as indicated: Fitiuta, one senator; Faleasao, one senator; ~~and~~ Ta'u, ~~two~~ one senators; Olosega, one senator and Ofu, one senator; Saole, one senator; Vaifanua, one senator; Sua, two senators; ~~Ma'uputasi~~ Ma'oputasi, three senators; Ituau, two senators; Ma'upu, two senators; Leasina ma Aitulagi, one senator; Tualatai, one senator; Fofu, one senator; and Lealataua, one senator. The decisions of the members of the county councils of the counties concerned shall be certified by the county chiefs of such counties.

Representatives shall be chosen by secret ballot of the qualified electors of their respective representative districts.

#### **Section 5. Elections.**

Elections shall be held biennially in each even numbered year beginning on the first Tuesday following the first Monday in November and ending not later than 4 weeks thereafter.

#### **Section 6. Term of office.**

Each senator shall hold office for a term of four years. Representatives including any delegates from Swains Island shall each hold office for a term of two years. The terms of all members of the Legislature including any delegate from Swains Island shall commence at noon on the third day of January following their election, except as otherwise provided.

#### **Section 7. Qualifications of electors.**

Every person of the age of 18 years or upwards who is a United States national and who has lived in American Samoa for a total of at least two years and has been a bona fide resident of the election district where he offers to vote for at least one year next preceding the election and who meets such registration requirements as may be prescribed by law shall be deemed a qualified elector at such election. No person under guardianship, non compos mentis, or insane shall be qualified to vote at any election; nor shall any person who has been convicted of a felony be qualified to vote at any election unless he has had his civil rights previously restored to him or unless he has maintained good behavior for 2 years following the date of his conviction or his release from prison whichever is the later.

## **Section 8. Legislative sessions.**

There shall be two regular sessions of the Legislature held each year, each session to last 45 days, the first session to begin on the second Monday in January each year and the second session to begin on the second Monday in July of each year. The Legislature may meet in special session at the call of the Governor who shall set the time for the beginning of such session and the number of days it may last. Amended H.J.R. No. 1, adopted Feb. 18, 1977, approved by voters Nov. 7, 1978, approved by Sec. of Int. Mar. 1, 1979; amended 1971 S.J.R. No. 3, effective March 19, 1971.

## **Section 9. Enactment of law; vetoes.**

The enacting clause of all bills shall be: "Be it enacted by the Legislature of American Samoa," and no law shall be enacted except by bill. Bills may originate in either House, and may be amended or rejected by the other. The Governor may submit proposed legislation to the Legislature for consideration by it. He may designate any such proposed legislation is urgent, if he so considers it.

Every bill, having passed both Houses, shall be signed by the President of the Senate and the Speaker of the House, and shall, before it becomes a law, be presented to the Governor for his approval. If he approves it, he shall sign it and it shall become a law, and he shall deposit it in the office of the Secretary of American Samoa. But if it be not approved by him, he shall return it with his objections to the House in which it originated which shall enter the same in their journal: Any bill not returned by the Governor within 10 days (Sundays excepted) after having been presented to him, shall become a law, whether signed by him or not, unless the Legislature by adjournment prevent such return, in which case it shall not become a law unless the Governor, within 30 days after adjournment shall sign it, in which case it shall become a law in like manner as if it had been signed by him before adjournment; and the Governor shall deposit it in the office of the Secretary of American Samoa.

Not later than 14 months after a bill has been vetoed by the Governor, it may be passed over his veto by a two-thirds majority of the entire membership of each House at any session of the Legislature, regular or special. A bill so repassed shall ~~be represented to the Governor for his approval~~ become law 90 days after the adjournment of the session in which it was repassed. ~~If he does not approve it within 15 days, he shall send it together with his comment thereon to the Secretary of the Interior. If the Secretary of the Interior approves it within 90 days after its receipt by him, it shall become a law; otherwise it shall not.~~

If a bill presented to the Governor should contain several items of appropriation of money, he may object to one or more of such items, or any part or parts thereof, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects and the items, or parts or portions thereof, so objected to shall not take effect. As used in this paragraph, the terms "items", "part", "portion" and "portions" shall include a proviso or provisos, a directive, a limitation, or other extraneous substantive legislation included in an appropriations bill or appended to any item of appropriation in such an appropriations bill.

Furthermore, nothing in this section shall be deemed to permit any change in the law respecting the alienation or transfer of land or any interest therein to be effective unless such change shall have been approved by two successive Legislatures by a two-thirds vote of the entire membership of each House and by the Governor as provided in Section 3 of Article I.

#### **Section 10. Passage of bills.**

A majority of all the members of each House, voting in the affirmative, shall be necessary to pass any bill or joint resolution.

#### **Section 11. Powers of each house.**

Each house shall keep a journal of its proceedings and publish the same, determine its rules of procedure, punish members for disorderly behavior, and, with the consent of two-thirds of its entire membership, may expel a member, but not a second time for the same offense. Each House shall sit upon its own adjournments, but neither House shall, without the concurrence of the other, adjourn for more than 3 days, nor to any other place than that in which it may be sitting.

#### **Section 12. Freedom from arrest.**

Senators and representatives and any delegate from Swains Island in all cases except treason, felony, or breach of the peace, shall be privileged from arrest during a session (including a special joint session) of the Legislature, and in going to and returning from the same. No member of the Legislature shall be held to answer before any tribunal other than the Legislature itself for any speech or debate in the Legislature.

#### **Section 13. Vacancies.**

When vacancies occur in either House, the Governor or the person exercising the functions of Governor shall issue writs of election to fill such vacancies except that if any such vacancy shall occur within three months of the next regular election, no special election shall be held and the Governor shall appoint a qualified person to fill such vacancy. Prior to appointing such person, the Governor shall in the case of a representative consult with the county chief or county chiefs in the representative district concerned; and in the case of a senator, with the District Governor and county chiefs in the district concerned. A person elected to fill a vacancy or appointed by the Governor to fill a vacancy shall hold office during the remainder of the term of his predecessor.

#### **Section 14. Public sessions.**

The business of each House, and of the Committee of the Whole, shall be transacted openly and not in secret session.

**Section 15. Reading — Passage of bills.**

No bill shall be passed until copies of the same with amendments thereto shall have been made available for the use of the members; nor shall a bill become a law unless the same shall have been read on two separate days in each House previous to the day of the final vote thereon. On final passage of all bills, they shall be read at length, section by section, and the votes shall be by yeas and nays upon each bill separately, and shall be entered upon the journal. The provisions of this section respecting the reading of bills shall be subject to the exception that a bill which has been vetoed by the Governor and reintroduced for passage over the Governor's veto need only be read on the day of the final vote thereon.

**Section 16. Title.**

Every legislative act shall embrace but one subject and matters properly connected therewith, which shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such an act shall be void only as to so much thereof as shall not be expressed in the title.

**Section 17. Amendments and revisions by reference.**

No law shall be amended or revised by reference to its title only; but in such case the act, as revised, or section or subsection as amended, shall be reenacted and published at full length.

**Section 18. Appointment to new offices.**

No member of the Legislature shall, during the term for which he was elected and for one year thereafter, be appointed to any office which shall have been created or the salary of which shall have been increased by the Legislature during such term.

**Section 19. Effective date of laws.**

An act of the Legislature required to be approved and approved by the Governor only shall take effect no-sooner than 60 days from the end of the session at which the same shall have been passed ~~while an act required to be approved by the Secretary of the Interior only after its veto by the Governor and so approved shall take effect no sooner than 40 days after its return to the Governor by the Secretary of the Interior.~~ The foregoing is subject to the exception that in case of an emergency the act may take effect at an earlier date stated in the act provided that the emergency be declared in the preamble and in the body of the act.

**Section 20. Legislative counsel.**

A legislative counsel, who shall be learned in the law, shall be appointed by the President of the Senate and the Speaker of the House, to advise and assist the Legislature. The position of legislative counsel shall be a fulltime position and compensation for the counsel shall be budgeted by the Legislature at a grade level equivalent to that of Deputy Attorney General of the ~~Government of American Samoa~~ Government. The legislative counsel shall also be the director

of the Legislative Reference Bureau. Amended H.J.R. No. 3, Feb. 18, 1977, approved by voters Nov. 7, 1978, approved by Sec. of Int. Mar. 1, 1979.

### **Section 21. Quorum.**

A majority of each House shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner as each House may provide.

### **Section 22. Qualifications and officers.**

Each House of the Legislature shall be the judge of the elections, returns, and qualifications of its own members and shall ~~eluse~~ choose its officers.

### **Section 23. Adjourning legislature.**

In case of disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper, but no such adjournment shall be beyond the time fixed for the next regular session of the Legislature.

### **Section 24. Special or exclusive privileges not to be granted; local or special laws.**

The power of the Government to act for the general welfare of the people of American Samoa shall never be impaired by the making of any irrevocable grant of special or exclusive privileges or immunities. Corporations may be formed under general laws but shall not be created by special act except for municipal, governmental, or quasigovernmental purposes in cases where the objects of the corporation cannot be attained under general laws. All general laws or special acts passed pursuant to this section may be amended or repealed. The Legislature shall pass no local or special act if a general act can be made applicable.

### **Section 25. Compensation of the legislature.**

The compensation of the members of the Legislature is provided by law. — Amended 1977. H.J.R. No. 6. eff., April 8, 1977.

### **Section 26. Impeachment**

(a) The Governor and Lieutenant Governor are subject to impeachment and, upon conviction, shall be removed from office.

(b) The Legislature shall provide for the manner, procedure, and causes for impeachment including for conviction of felonies and for a course of conduct amounting to a gross abuse of power, as defined by law.

(c) The House of Representatives has the sole power to bring articles of impeachment upon a vote of at least 2/3 of the entire membership. The Senate has the sole power to try

impeachment, with the Chief Justice presiding, and, may not convict unless at least 2/3 of the entire membership concur. The members when sitting for that purpose shall be on oath or affirmation.

(d) Conviction shall extend only to removal from office and disqualification to hold and enjoy any office of trust, honor, or profit under the Territory. The party, whether convicted or acquitted, is also liable to other prosecution under the law.

## **Article III**

### **Judicial Branch**

#### **Section 1. Judicial power.**

The judicial power shall be vested in the High Court, the District Courts, and such other courts as may from time to time be created by law.

#### **Section 2. Independence of the courts.**

The judicial branch of the ~~Government of~~ American Samoa Government shall be independent of the executive and legislative branches.

#### **Section 3. Appointments.**

The ~~Governor Secretary of Interior~~ shall appoint a Chief Justice of American Samoa and such Associate Justices as he may deem necessary, subject to confirmation by the Legislature. The Chief Justice and Associate Justices shall hold their offices during good behavior until resignation, retirement, death, or impeachment.

#### **Section 4. Limits of Secretary of Interior Powers**

The Secretary of Interior shall not review, overturn or intervene in the appeal of a decision of the High Court of American Samoa.



## **Article IV**

### **Executive Branch**

#### **Section 1.**

Superseded by U.S. Dept. of the Int. Secretary's Order No. 3009, §§ 2 and 4, Sept. 13, 1977, eff. Sept. 13, 1977, as amended in § 2 by U.S. Dept. of the Int. Secretary's Order No. 3009, Amendment No. 1, Nov. 3, 1977, eff. Nov. 3, 1977.

#### **Section 2. Governor and lieutenant governor.**

The Governor and the Lieutenant Governor of American Samoa shall, commencing with the first Tuesday following the first Monday of November 1977, be popularly elected and serve in accordance with the laws of American Samoa.

Amended 1977, U.S. Dept. of the Int. Secretary's Order No. 3009, §§ 2, 4, Sept. 13, 1977, as amended by U.S. Dept. of the Int. Secretary's Order No. 3009, Amendment No. 1. Nov. 3, 1977. eff. Nov. 3, 1977.

#### **Section 3. Secretary.**

The Secretary of American Samoa, who may be referred to as Lieutenant Governor of American Samoa, shall have all the powers and duties of the Governor in the case of a vacancy in the office of Governor or the disability or temporary absence of the Governor. He shall record and preserve the laws and executive orders, and transmit copies thereof to the Secretary of the Interior. He shall have and perform such other duties as may be prescribed by law or assigned to him by the Governor.

#### **Section 4. Secretary of Samoan Affairs.**

The Secretary of Samoan Affairs shall be appointed by the Governor from among the leading registered matais. He shall hold office during the pleasure of the Governor. The Secretary of Samoan Affairs shall be the head of the Department of Local Government. In conjunction with the District Governors he shall co-ordinate the administration of the district, county, and village affairs as provided by law and also in conjunction with the District Governors he shall supervise all ceremonial functions as provided by law.

#### **Section 5. Militia and posse comitatus.**

The Governor may summon the posse comitatus or call out the militia to prevent or suppress violence, invasion, insurrection, or rebellion.

**Section 6. Executive regulations.**

The Governor shall have the power to issue executive regulations not in conflict with laws of the United States applicable to American Samoa, laws of American Samoa, or with this Constitution.

**Section 7. Supervision and control by Governor.**

The Governor shall have general supervision and control of all executive departments, agencies and instrumentalities of the ~~Government of American Samoa~~ Government.

**Section 8. Annual report.**

The Governor shall make an official report of the transactions of the ~~Government of American Samoa~~ Government to the Secretary of the Interior and the Legislature within three months after the close of each fiscal year.

**Section 9. Pardoning power.**

The Governor shall have the power to remit fines and forfeitures, commute sentences, and grant reprieves and pardons after conviction for offenses against the laws of American Samoa.

**Section 10. Recommendation of laws.**

The Governor shall give the Legislature information on the state of the Government and recommend for its consideration such measures as he may deem necessary and expedient. He may attend or depute another person to represent him at the meetings of the Legislature, and may give expression to his views on any matter before that body.

**Section 11. Appointment of officials.**

With the exception of elective officials, those appointed by the Secretary of the Interior, and those whose appointments are otherwise provided for, the officials of the ~~Government of American Samoa~~ Government including district, county, and village officials shall be appointed by the Governor. Prior to appointing a district governor, a county chief, or a pulenuu, the Governor through the Secretary of Samoan Affairs shall request the recommendation of the appropriate district council as to who shall be appointed in the case of a district governor; of the appropriate county council and district governor, in the case of a county chief; and of the appropriate village council, district governor and county chief, in the case of a pulenuu. The Secretary of Samoan Affairs may also make his own recommendations to the Governor,

**Section 12. Removal of officers; powers and duties of officers.**

The Governor may appoint or remove any officer whose appointment is not otherwise provided for. All officers shall have such powers and duties as may be conferred or imposed upon them by law or by executive regulation of the Governor not inconsistent with any law.

**Section 13. Publication of laws.**

The Governor shall make provision for publishing laws within 55 days after the close of each session of the Legislature and for their distribution to public officials and sale to the public.

**Article V  
Miscellaneous****Section 1. Officers.**

For the public convenience and to insure continuity in the operation of the Government all officers of American Samoa, including district, county, and village officers, shall, subject to the right of resignation or removal as may be provided by law, continue to hold their respective offices until the expiration of the time for which they were respectively elected or appointed, except that senators elected at the general election in 1966 shall go out of office at noon on January 3, 1969.

Regardless of any other provision or provisions in this Constitution the House of Representatives shall, prior to noon, January 3, 1969, consist only of those members elected at the general election in 1966 while the Senate prior to noon January 3, 1969, shall consist only of the hold-over senators plus those elected at the general election in 1966. Also regardless of any other provision or provisions in this Constitution any vacancies occurring in either House prior to January 3, 1969 may be filled as provided in Article II, Section 13 of the Constitution which became effective on October 17, 1960.

**Section 2. Existing laws.**

All laws of American Samoa not inconsistent with this Constitution shall continue in force until they expire by their own limitation, or are altered or repealed by competent authority.

**Section 3. Amendments**

Any amendment to this Constitution may be proposed in either House of the Legislature, and if the same be agreed to by three-fifths of all members of each House, voting separately, such proposed amendment shall be entered on the journals, with the yeas and nays taken thereon. The Governor shall then be requested to submit such proposed amendment to the voters eligible to vote for members of the House of Representatives at the next general election. If a majority of such voters voting approve such amendment, the Governor shall, within 30 days after such approval shall have been officially determined submit the same to the Secretary of the Interior for approval or disapproval within 4 months after its receipt.

**Section 4. Revision of the constitution.**

In view of the changing conditions in American Samoa, the Governor shall appoint a new Constitutional Committee five years after the effective date of this Constitution to prepare amendments or a revised draft constitution to be submitted to the Governor who shall call a constitutional convention to consider the same. The delegates to the convention shall be selected by their respective county councils. The number of delegates from each county shall be the number

obtained by dividing the population of the county, as shown by the last preceding Federal census, by 400, any fraction in the quotient obtained to be disregarded if such fraction shall be less than one-half and if such fraction shall be one-half or more it shall be considered to be one unit, provided that each county shall have at least one delegate, and provided further that Swains Island shall have one delegate selected in open meeting by the adult permanent residents of the island who are United States nationals. If the convention approves such amendments or draft constitution either with changes made therein by the convention or without changes, the same as approved shall be submitted by the Governor to the voters eligible to vote for members of the House of Representatives at the next general election; and if a majority of the voters voting approve the amendments or proposed revised constitution, the Governor shall submit the same to the Secretary of the Interior for his approval, and if he approves the same, then the amendments shall become part of the Constitution or the proposed revised constitution shall replace this constitution, as the case may be. Salaries of employees of the Convention and per diem for delegates shall be provided by law. The Government shall furnish the Convention with necessary supplies and other necessary services.

#### **Section 5. Existing rights and liabilities.**

Except as otherwise provided in this Constitution all existing actions, writs, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, decrees, sentences, orders, appeals, causes of action, contracts, claims, demands, titles, and rights shall continue unaffected notwithstanding the taking effect of this Constitution.

#### **Section 6. Oaths.**

All officers of American Samoa including district, county, and village officers, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath: “I, \_\_\_\_\_, of \_\_\_\_\_ do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, and that I will well and faithfully uphold the laws of the United States applicable to American Samoa, and the Constitution and laws of American Samoa. “So help me God.”

#### **Section 7. Construction.**

In this Constitution titles shall not be used for the purposes of construction and wherever any personal pronoun appears it shall be construed to mean either sex; also in this Constitution a special or particular provision shall control a general provision should there be any inconsistency between a special or particular provision and a general provision.

#### **Section 8. Provisions self-executing.**

The provisions of this Constitution shall be self-executing to the fullest extent that their respective natures permit.

### **Section 9. Seat of government.**

The seat of Government shall be at Fagatogo.

### **Section 10. Political districts and counties.**

It is hereby recognized that there are three political districts in American Samoa, viz. Manu'a, composed of the political counties of Ta'u, Faleasao, Fitiuta, Olosega and Ofu; Eastern, composed of the political counties of Sua, Vaifanua, Saole, Ituau and ~~Ma'uputasi~~ Ma'oputasi; and Western, composed of the political counties of Fofu, Leasina ma Aitulagi, Tualatai, Lealataua and Ma'upu.

### **Section 11. Effective date.**

Amendments or revisions to the 1967 Revised Constitution of American Samoa were approved by the Constitutional Convention held --- blank -- and voters in a general election on -- blank --- and submitted to the Secretary of Interior and President of the United States for their review and submission of amendments to Congress for approval. Congress in its Act of --- blank --- approved amendments to the 1967 Revised Constitution of American Samoa. The Revised Constitution of American Samoa shall be effective on --- blank ---.

~~This Constitution ratified and approved on June 2, 1967, by the Secretary of the Interior, action pursuant to the authority vested in him by Executive Order No. 10264, dated June 29, 1951, of the President of the United States, and approved by the Constitutional Convention of the people of American Samoa at its meeting in Fagatogo, American Samoa begun on September 26, 1966, and by a majority of the voters of American Samoa voting in the general election in 1966, shall become effective on July 1, 1967.~~

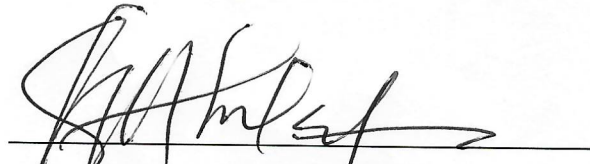
Stewart L. Udall

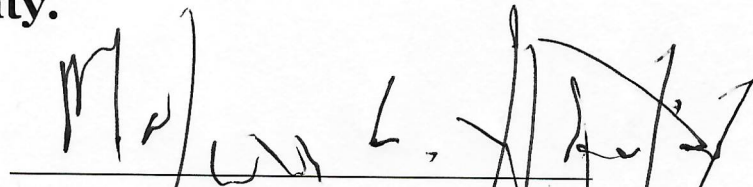
Secretary of the interior


~~We the undersigned, being the duly appointed Delegates to the 2022 Constitutional Convention, do hereby certify that the above and foregoing document was approved by us in Convention, assembled as the revised Constitution of American Samoa.~~

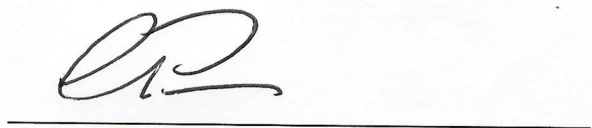
We the undersigned, being the duly selected Delegates to the 2022 Constitutional Convention, do hereby certify that the above and foregoing document was approved by us in the 2022 Constitutional Convention.

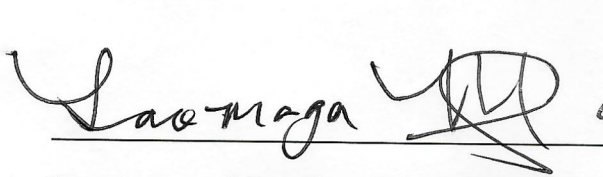
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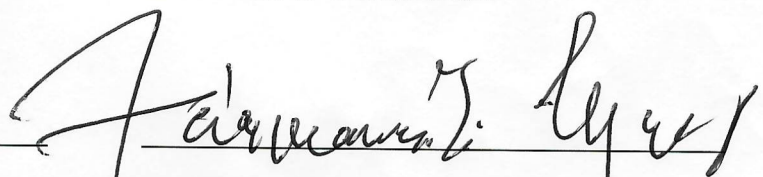
  
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Malepeai Setu

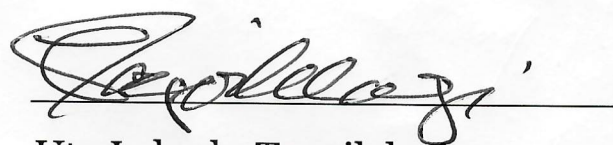
  
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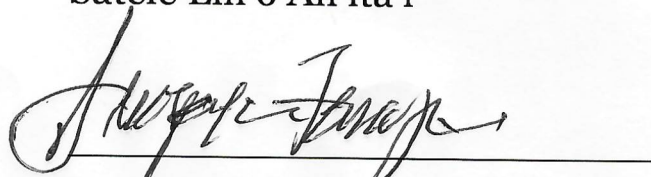
  
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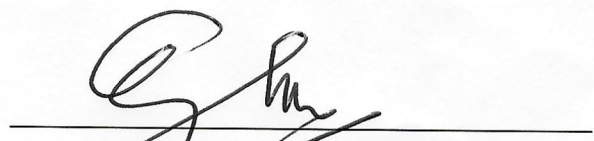
  
Faamausili Mau Jr.

**For and on behalf of Vaifanua County.**

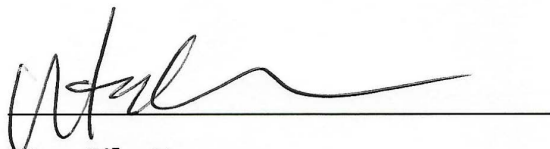
  
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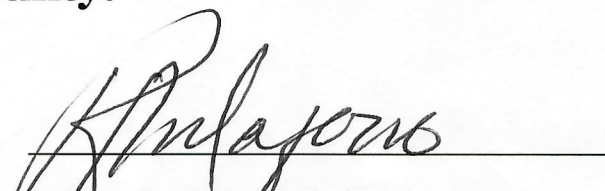
  
Uta Laloulu Tagoilelagi


  
Vaovasa Si'ufaga Faiupu

  
Pua'atua Onosa'i


**For and on behalf of Saole County.**


  
Utu Sila Poasa


  
Ufagafa Ray Tulafono

  
Fuiava Avaloa

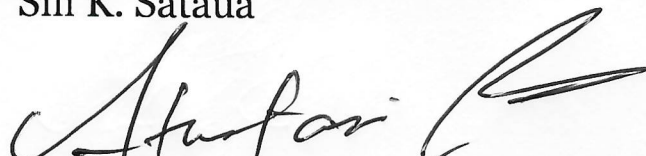
**For and on behalf of Itua County.**

  
Alo P. Stevenson


  
Tupuola Seumalo Vaitele

  
Sili K. Sataua


  
Atuatasi Aga Seigafo


  
Atuatasi Lelei Peau

  
Sala Sataua Mataese Samuelu

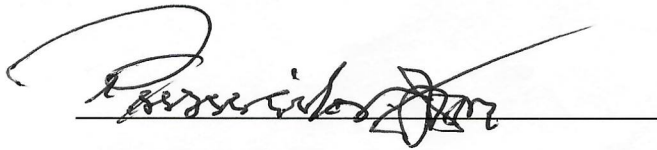
  
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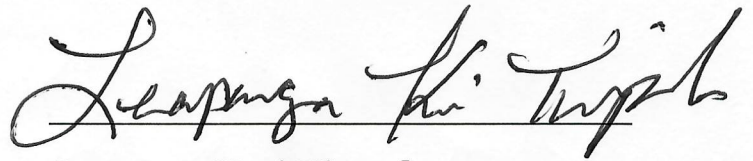
  
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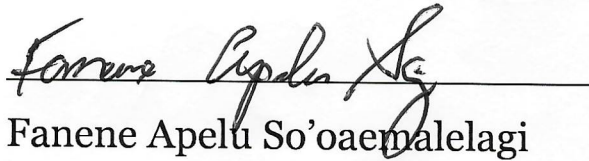




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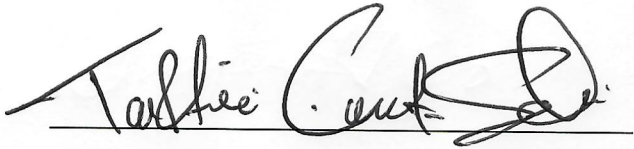
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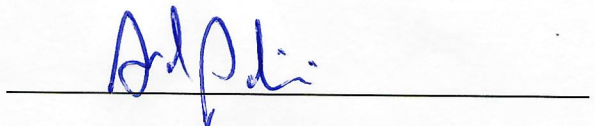
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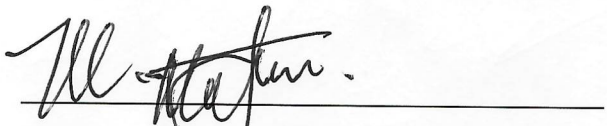
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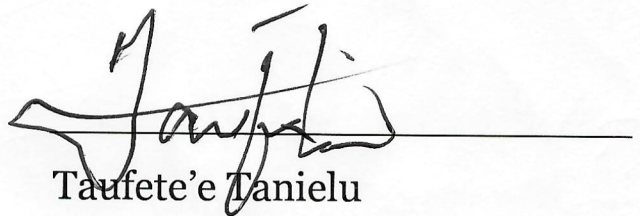
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Taotasi Archie Soliai



Logoituau Mark Atafua



Taufete'e Danielu

**For and on behalf of Ma'uputasi County.**



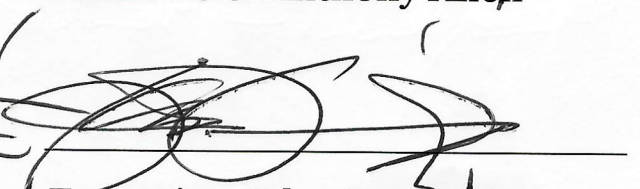
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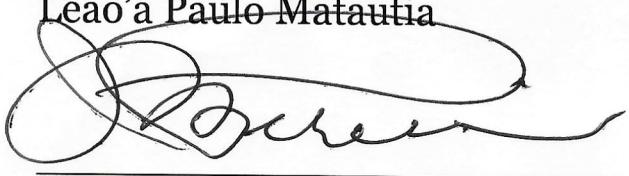
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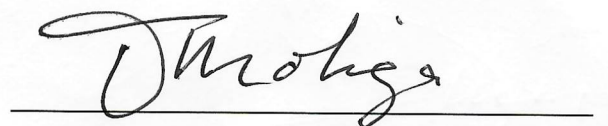
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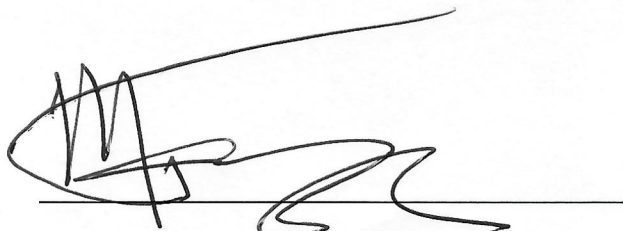


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Vaetasi Tuumolimoli S. Moliga

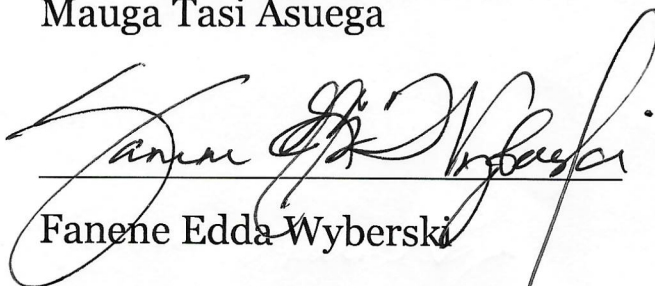





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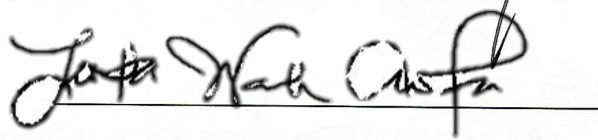
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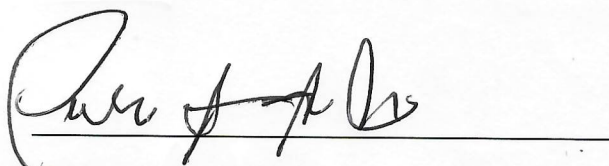
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Tavai Elia Tavai




Leota Wanda Alofa




Pulu Ae Ae Jr.



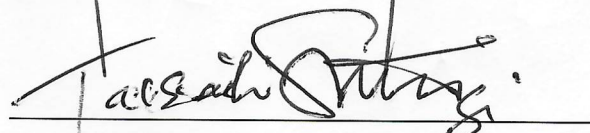
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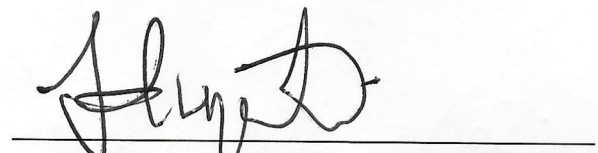
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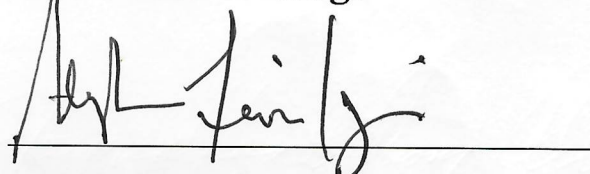
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Taesali Sam Matagi



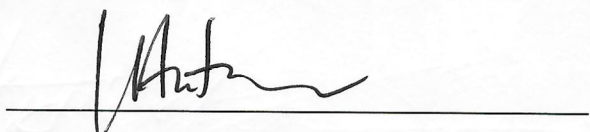
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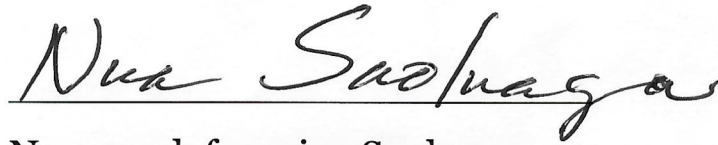


Fano Frank Mitchell Shimasaki



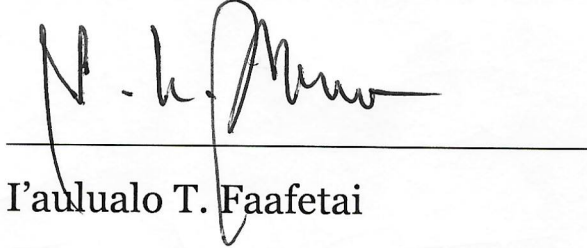
Vailoata Eteuati Amituana'i

**For and on behalf of Tau County.**



Nuanuaolefeagaiga Saoluaga

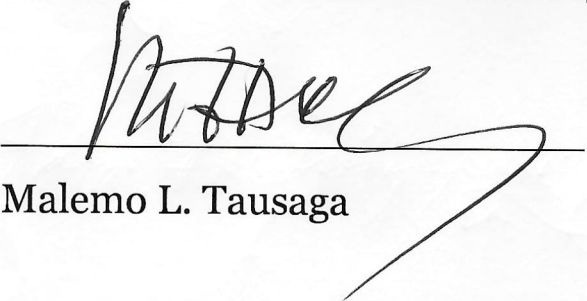
**For and on behalf of Faleasao County.**



**For and on behalf of Fitiuta County.**



**For and on behalf of Olosega County.**



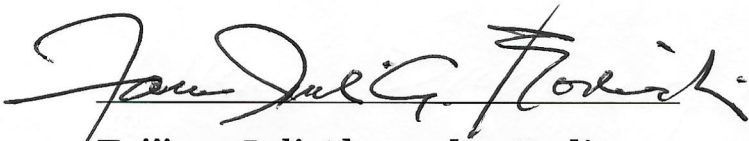
**For and on behalf of Ofu County.**



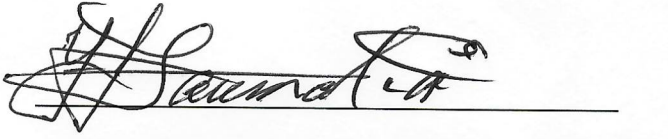
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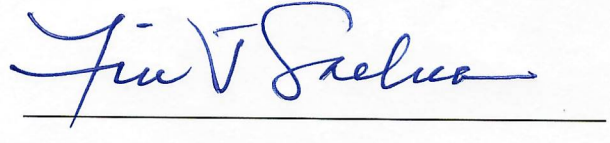


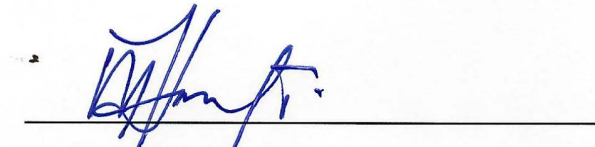
**For and on behalf of Fofu County.**

  
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Olo Uluao Letuli

  
Tuiteleleapaga John Sefo Laumatia

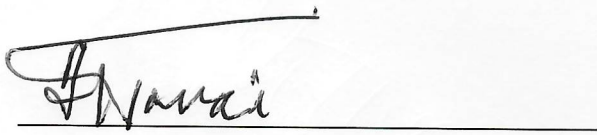
  
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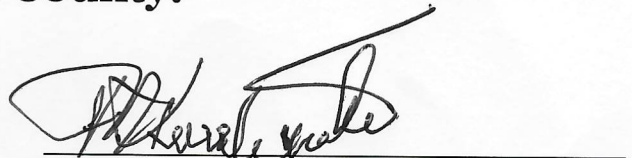
  
Maiava Fidelis Leota


  
Aumavae Kenape Aumavae


  
Matu'u Timo Matu'u

**For and on behalf of Leasina County.**

  
Tuiagamoa Tomasi Tavai

  
Vaitagaloa Neueli Tuiolemotu

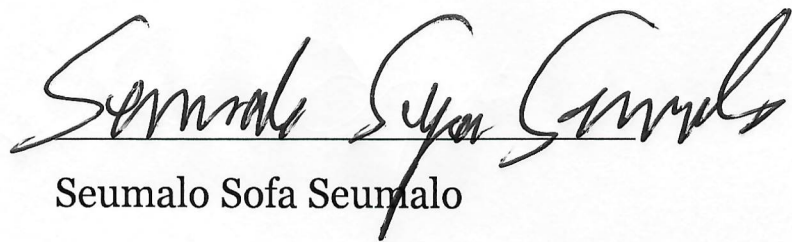
  
Utuga Fuasalii I. Iose

  
Lefotu Vila


**For and on behalf of Tualatai County.**



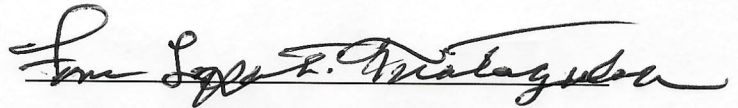
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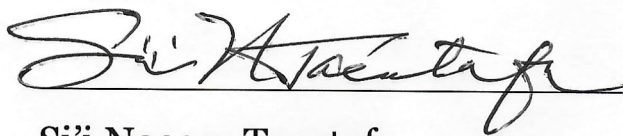
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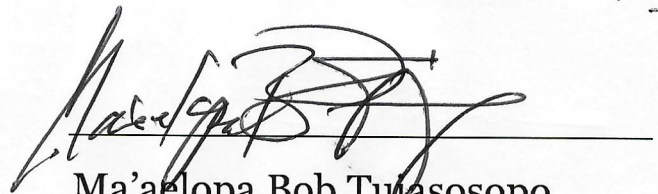
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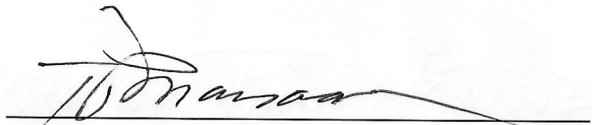
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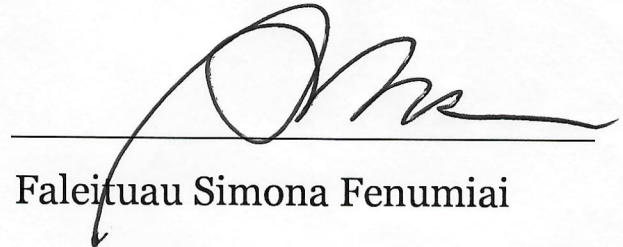
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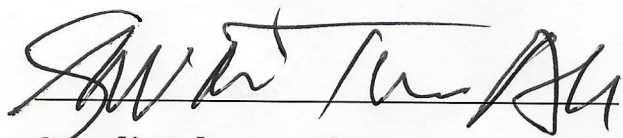


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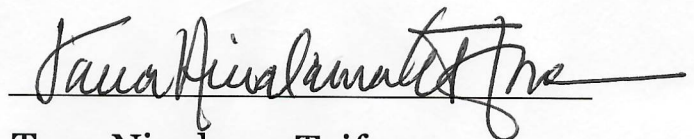


Faleituau Simona Fenumiai

**For and on behalf of Lealataua County.**



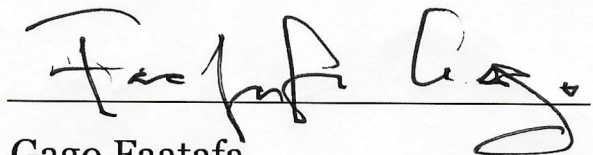
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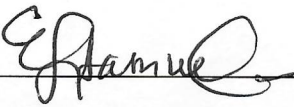
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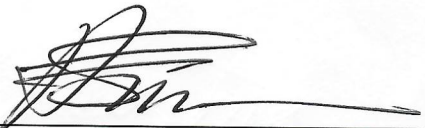
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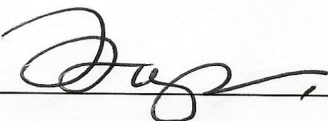


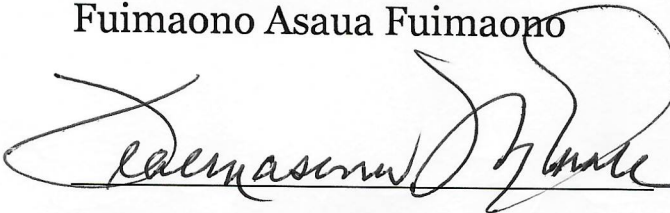
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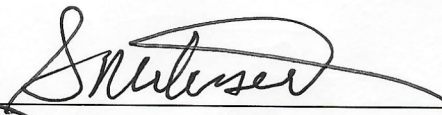
  
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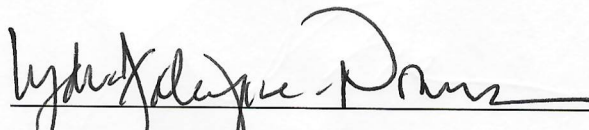
  
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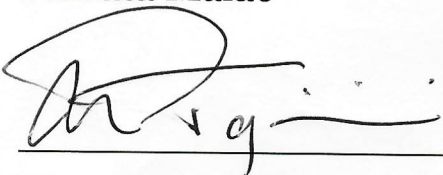
  
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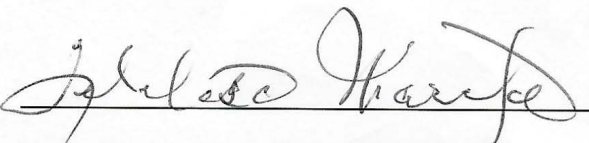
  
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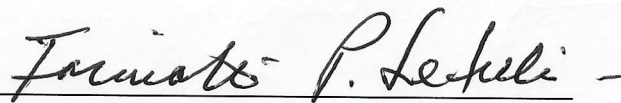
  
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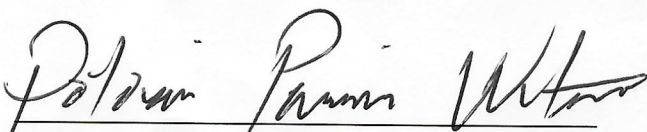
  
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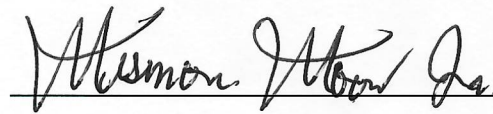
  
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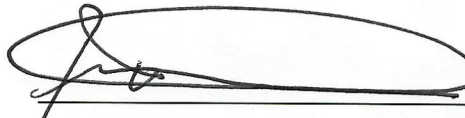
  
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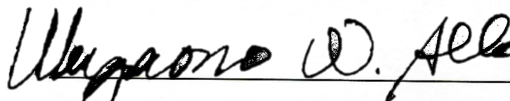
  
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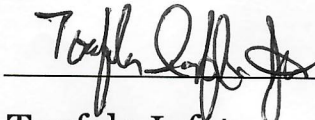
  
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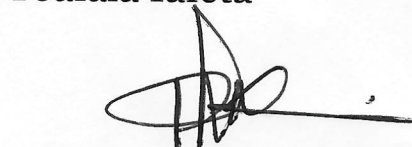
  
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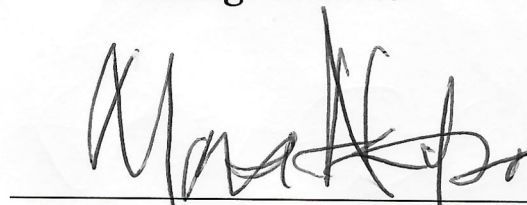
  
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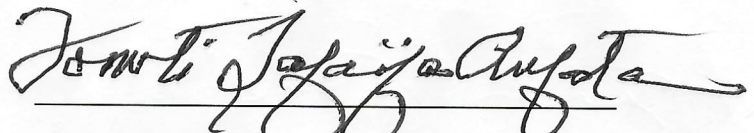
  
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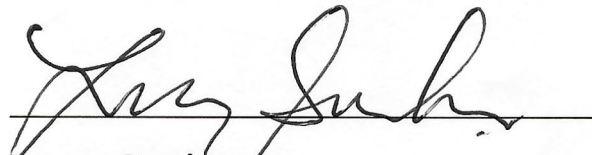
  
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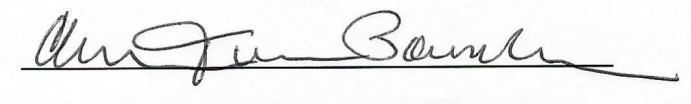
  
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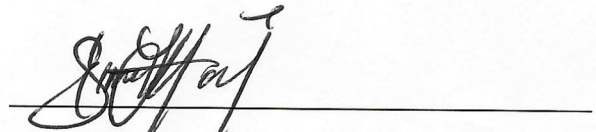
  
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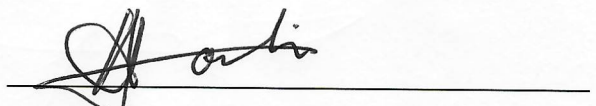
  
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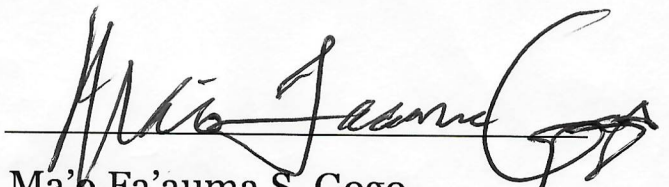
  
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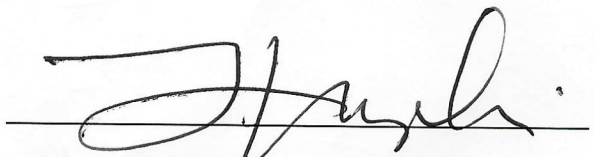
  
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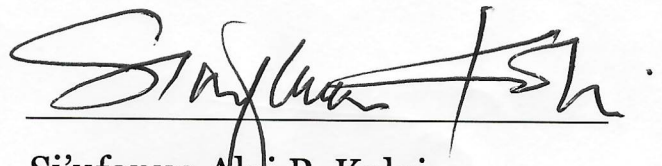
  
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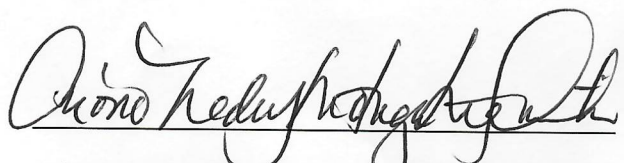
  
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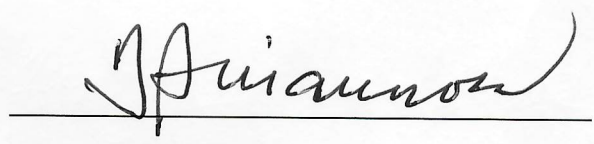
  
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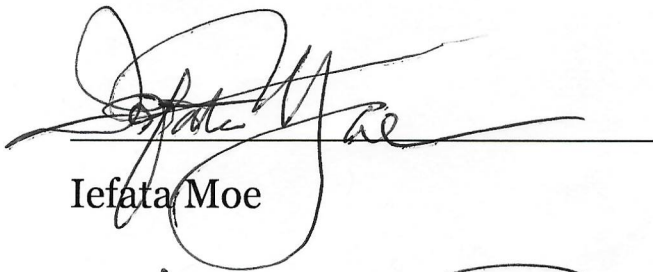
  
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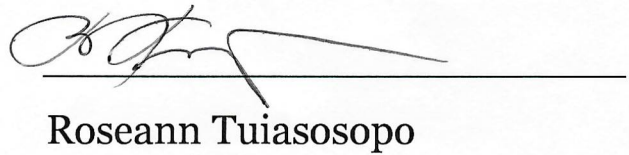
  
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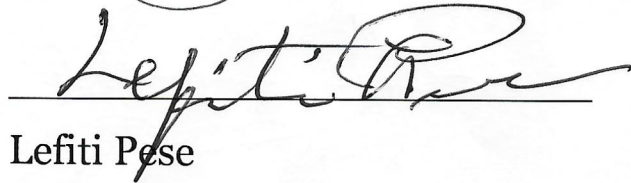
  
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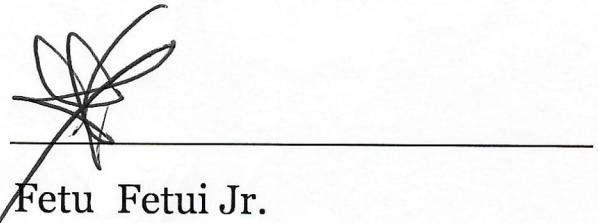
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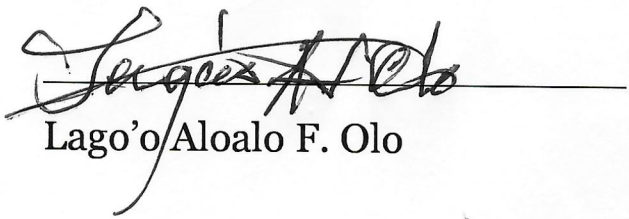
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Lefiti Pese

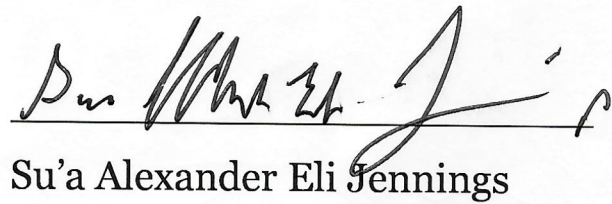


Fetu Fetui Jr.



Lago'o Aloalo F. Olo

**For and on behalf of Swains Island.**



Su'a Alexander Eli Jennings





**OFFICE OF THE GOVERNOR  
AMERICAN SAMOA GOVERNMENT**

**EXECUTIVE ORDER 001 – 2022**

**AN ORDER CREATING THE AMERICAN SAMOA CONSTITUTIONAL REVIEW  
COMMITTEE, DEFINING ITS DUTIES, RESPONSIBILITIES, AND POWERS AND  
APPOINTING THE INITIAL MEMBERSHIP**

**Section 1: Authority**

This executive order is hereby issued in accordance with the powers and authority granted to the Governor by Article IV, Sections 6 and 7 of the Revised Constitution of American Samoa, and the American Samoa Code Annotated, Sections 4.0111 (b) and 4.0302.

**WHEREAS,** in 1960 the Constitution of American Samoa was said to represent the “greatest step forward” in the political development of the territory since the raising of the American flag on the island of Tutuila in 1900;

**WHEREAS,** the last Constitutional Convention was in 2010;

**WHEREAS,** in the process of developing self-government, the people of American Samoa should enjoy certain rights and responsibilities inherent in the representative form of government clearly set forth in the Constitution;

**WHEREAS,** the Constitution provides an amendment process allowing the people to revisit, improve, or correct it and ensure it continues as a “living document”;

**WHEREAS,** the purpose of constitutional change must not simply be “*to make new rules for the passing hour, but to state principles for an expanding future*” – principles such as limited government and the bill of rights, popular sovereignty with free and fair elections, fair representation, the separation of powers, checks and balances, judicial independence, the rule of law, self-government, accountability and justice;

**WHEREAS,** it is prudent and wise to examine American Samoa’s past including its cultural heritage and the body of knowledge from past political status studies, constitutional conventions and historical events;

**WHEREAS,** the people must determine whether the constitution is in tune with the values of present times and respond to the range of political, economic, social,

environmental, technological, demographic and health conditions including the findings from the 2020 US census and the status of women;

**WHEREAS,** the people must determine whether and how the commitment to the protection of Samoan land, culture and natural resources remains a compelling interest and worthy goal;

**WHEREAS,** the constitution building process must engage the people in an authentic, participatory and transparent manner;

**NOW THEREFORE, I, LEMANU P. S. MAUGA,** Governor of American Samoa, by virtue of the authority vested in me by the Revised Constitution of American Samoa and the American Samoa Code Annotated, hereby execute this order.

### **Section 3: Duties and Responsibilities**

There is herewith created the American Samoa Constitutional Review Committee, which is tasked with the following duties, responsibilities, and powers:

- (a) The Committee shall review the entire Constitution and consider all proposals for revision as submitted through designated meetings, gatherings, and discussions, as held by and through the Political Status, Constitutional Review and Federal Relations Office and the Office of the Governor, as well as reports and requests as submitted by lawfully appointed bodies including but not limited to the Fono, the Judiciary, the political status study committees, local government, and the public.
- (b) The Committee shall keep a journal and records of all public proceedings according to date and subject.
- (c) The Committee is authorized to adopt bylaws which do not conflict with this order or any applicable laws of American Samoa, to govern its own affairs and to aid in executing the tasks which the Committee may undertake in effectuating this Order.
- (d) The first meeting of the Committee shall be Tuesday, February 8, 2022, at 9:00 am at the Governor H. Rex Lee Auditorium.

### **Section 4: Initial Membership**

The following people are appointed as members of the Committee. Each and every member shall be granted an equal and fair opportunity to state their views without fear of being removed or threatened.

Chairman and Vice-Chairman of the Committee

- 1. Talauega E. V. Ale, Lieutenant Governor, Chairman of the Committee
- 2. Tauese V. Sunia, Deputy Director of Samoan Affairs, Vice-Chairman of the Committee

Governor's Staff

1. Tuimavave T. Laupola
2. Tapa'au Dr. Dan Aga
3. Earl Mokoma
4. Ufagafa Tulafono
5. Timusa T. Lam Yuen

American Samoa Senate:

1. President Tualo Manaia E. Fruean
2. Senator Soliai Tuipine Fuimaono
3. Senator Tuiagamoia Tavai
4. Senator Satele Lili'o
5. Senator Malaepule S. Moliga

American Samoa House of Representatives

1. Speaker of the House Savali Talavou Ale
2. Representative Alumamalu Ale Sea Filoialii
3. Representative Avagafono Tuavao Vaimaga Maiava
4. Representative Vailiutama Stephen Leasiolagi
5. Representative Manavaalofa Tutuila Manase

Members of the Cabinet

1. Petti Tagipo Matila, Director, Department of Commerce
2. Talauega Samasoni Asaeli, Director, Department of Education
3. Lynn Pulou Alaimalo, Director, Department of Human Resources
4. Muavaefa'atasi J. Suisala, Director, Department of Human and Social Services
5. Lefiti Falelaulii Pese, Commissioner, Department of Public Safety
6. Rosevonne M. Pato, President, American Samoa Community College
7. Ruth S. Matagi, President, Development Bank of American Samoa
8. Sandra King Young, Director, Medicaid State Agency
9. Dr. Salote Aoelua-Fanene, Director, Department of Youth and Women's Affairs
10. Faumuina J. Faumuina, CEO, LBJ Tropical Medical Center
11. Paepaetele Mapu Jamias, Veteran's Affairs Office
12. Fuata Fa'asamisamia Male Tiumalu, Executive Director, Arts Council
13. Mariana Timu-Faiai, Director, Criminal Justice Planning Agency

Clergy

1. Reverend Elder Dr. Siulagi Solomona, Victory Chapel Christian Church
2. Reverend Elder Faaeteete Saifoloi, EFKAS
3. Monsignor Viane Etuale, Monsignor, Roman Catholic Diocese of Samoa-Pago Pago
4. Reverend Elder Faamao Asalele, CCJS
5. Reverend Pa'u Tuavela, Seventh Day Adventist
6. Reverend Asi Tuisalega, American Samoa Methodist Church Synod
7. Elder O. Vincent Haleck, The Church of Jesus Christ of Latter-day Saints



**Members of the Bar**

1. Marcellus Talaimalo Uiagalelei, Esq.
2. Aitofiele B. Sunia, Esq.

**Federal:**

1. Lydia Faleafine-Nomura, Department of Interior, Office of Insular Affairs

**Private Sector:**

1. Toaalii Scanlan
2. Olivia Reid

**Youth:**

1. Nerisa Taua Ve'e
2. Joseph Zodiacal
3. Gabrielle Langkilde
4. Manino Oilau Iseula Reed

**Public/Other**

1. Fanuatele Dr. Toafa Vaiaga'e
2. Tufaga Dr. John Mapu
3. Alagaimalo Dr. Solomon Tuisamatatele

**Women**

1. Vaitinasa Dr. Salu Hunkin
2. Reverend Filomena Hunt-Leituala
3. Tauaisafune N. Taifane
4. Patricia Fuiava
5. Moelili'a Seui

**Section 5: Support and Funding**

Staff and financial support for Committee activities shall be provided through the Office of the Governor and the Constitutional Review Office.

**Section 6: Effective Date**

This Order shall take effect immediately and shall remain in effect until the conclusion of the Constitutional Convention.

Date:

2/04/22



LEMANU P. S. MAUGA  
Governor of American Samoa



**OFFICE OF THE GOVERNOR  
AMERICAN SAMOA GOVERNMENT**

**EXECUTIVE ORDER 006- 2022**

**AN ORDER CALLING THE CONSTITUTIONAL CONVENTION OF 2022**

**Section 1: Authority**

This executive order is hereby issued in accordance with the powers and authority granted to the Governor by Article IV, Sections 6 and 7 of the Revised Constitution of American Samoa, and the American Samoa Code Annotated, Section 4.0111 (b).

**Section 2: Preamble**

**WHEREAS**, the Congress of the United States, in its Act of February 20, 1929, provided that until the Congress shall provide for the Government of the islands of American Samoa, all civil, judicial, and military powers shall be vested in such person or persons and exercised in such manner as the President of the United States shall direct; and

**WHEREAS**, by Executive Order No. 10264 the President of the United States directed that the Secretary of the Interior should take such action as may be necessary and appropriate and in harmony with applicable law, for the administration of civil government in American Samoa; and

**WHEREAS**, it is appropriate that, in the process of developing self-government, the people of American Samoa should enjoy certain rights and responsibilities inherent in the representative form of government; and

**WHEREAS**, it is desirable that these rights and responsibilities be clearly set forth in a Constitution, and the adoption of a Constitution is in harmony with applicable law; and

**WHEREAS**, the Constitution adopted in 1960 having been ratified and approved by the Secretary of Interior and having been approved by a Constitutional Convention of the people of American Samoa and a majority of the voters of American Samoa voting at the 1966 election, is established to further advance government of the people, by the people, and for the people of American Samoa; and

**WHEREAS**, Congress enacted under 48 U.S.C. §1662a, the law which now states: “Amendments of, or modifications to, the Constitution of American Samoa, as approved by the Secretary of the Interior pursuant to Executive Order 10264 as in effect January 1, 1983, may be made only by Act of Congress”; and

**WHEREAS**, the Constitution provides an amendment process allowing the people to revisit, improve, or correct it and ensure it continues as a “living document”; and

**WHEREAS**, the 2022 Constitutional Review Committee has presented its Report to the Governor with amendments and proposals approved by the Constitutional Review Committee in preparation for a 6th Constitutional Convention of American Samoa;

**NOW THEREFORE, I, LEMANU P. S. MAUGA**, Governor of American Samoa, by virtue of the authority vested in me by the Revised Constitution of American Samoa and the American Samoa Code Annotated, hereby execute this order.

**Section 3: Order**

The Constitutional Convention of 2022 is hereby called. It shall convene on August 29, 2022 and shall adjourn on September 2, 2022. Delegates to the convention shall consider, discuss, debate and vote on amendments to the Revised Constitution of American Samoa of 1967 or a revised draft constitution presented by the Constitutional Review Committee.

The delegates to the convention shall be selected by their respective County Councils in accordance with the Revised Constitution of 1967 and Executive Order 007-2022.

If the Convention approves amendments to the Revised Constitution of 1967 or a revised draft constitution by a simple majority vote, such amendments or such a draft will be submitted by the Governor to voters eligible to vote for members of the House of Representatives at the next general election.

**Section 4: Effective Date**

This order shall take effect immediately.

Date: June 20, 2022



LEMANU P. S. MAUGA  
Governor





**OFFICE OF THE GOVERNOR  
AMERICAN SAMOA GOVERNMENT**

**EXECUTIVE ORDER 007- 2022**

**AN ORDER CALLING UPON ALL COUNTY COUNCILS OF THE TERRITORY  
TO SUBMIT THEIR LIST OF DELEGATES TO THE  
AMERICAN SAMOA 2022 CONSTITUTIONAL CONVENTION**

**Section 1: Authority**

This executive order is hereby issued in accordance with the powers and authority granted to the Governor by Article IV, Sections 6 and 7 of the Revised Constitution of American Samoa, and the American Samoa Code Annotated, Section 4.0111 (b).

**Section 2: Preamble**

**WHEREAS,** on September 23, 2021, the Governor signed Public Law 37-6 which provides for the budget of the American Samoa Constitutional Convention;

**WHEREAS,** American Samoa last reviewed our Constitution in 2010, and in light of ever changing conditions, including a global pandemic, a Constitutional Convention is both timely and warranted;

**WHEREAS,** the Constitutional Review Committee was appointed on February 4, 2022 and convened on February 8, 2022, immediately undertaking suggested revisions and amendments to Constitutional provisions for consideration by the Convention;

**WHEREAS,** on June 17, 2022 the Constitutional Review Committee completed its work on suggested revisions and amendments to the Constitution for official review by the Convention delegates;

**WHEREAS,** Article V, Section 4 states the “delegates to the convention shall be selected by their respective county councils”;

**WHEREAS,** Article V, Section 10 states the political district of Manu’a is composed of the political counties of Ta’u, Faleasao, Fitiuta, Olosega and Ofu;

**WHEREAS,** the Eastern political district is composed of the political counties of Sua, Vaifanua, Saole, Ituau and Ma’uputasi;

**WHEREAS,** the Western political district is composed of the political counties of Fofo, Leasina, Tualatai, Lealataua and Ma'upu (Tualauta);

**WHEREAS,** each county shall have at least one delegate;

**WHEREAS,** the number of delegates from each county shall be the number obtained by dividing the population of each county, as shown by the last preceding Federal census, by 400;

**WHEREAS,** Swains Island shall have one delegate selected in open meeting by the adult permanent residents of the island who are US nationals;

**WHEREAS,** Executive Order No. 006-2022 calls for a Constitutional Convention to meet August 29 to September 2, 2022; and

**WHEREAS,** the Territory should move forward with the consideration of these important matters as well as others that will be made clearer in the near future.

**NOW THEREFORE, I, LEMANU P. S. MAUGA,** Governor of American Samoa, by virtue of the authority vested in me by the Revised Constitution of American Samoa and the American Samoa Code Annotated, hereby execute this order calling upon all county councils of the Territory to begin meeting and discussing the appointment of official delegates to the Constitutional Convention to be held August 29 through September 2, 2022.

### **Section 3: Order**

The County Councils of the Territory are encouraged to begin meeting to discuss and appoint their respective delegates to the Constitutional Convention.

The following considerations are non-binding on the Councils. It is preferred to have delegates who are experienced in their communities and those with advanced education. It is in our best interest as a Territory to have broad representation including women, youth, the elderly, and people with disabilities. Councils should strive to appoint delegates who represent the demographics of their counties.

County Councils must submit, in writing, the names of their appointed delegates to the Office of Political Status, Constitutional Review and Federal Relations by **August 8, 2022**. That Office shall work closely with the Secretary of Samoan Affairs to coordinate the receipt of delegate names by the date noted above.



Delegate numbers shall conform to the following, as specified in Article V, Section 4 of the Revised Constitution of American Samoa and as outlined in the Preamble:

Political Counties	Delegates
Fitiuta	1
Faleasao	1
Ta'u	1
Olosega	1
Ofu	1
Vaifanua	4
Sua	6
Saole	3
Ma'uputasi	21
Ituau	18
Ma'upu (Tualauta)	48
Tualatai	8
Leasina	4
Fofo	7
Lealataua	4
Swains Island	1
<b>Total Delegates</b>	<b>129</b>

**Section 4: Effective Date**

This order shall take effect immediately.

Date: June 20, 2022



LEMANU P. S. MAUGA  
Governor



**OFFICE OF THE GOVERNOR  
AMERICAN SAMOA GOVERNMENT**

**PROCLAMATION  
CONSTITUTIONAL CONVENTION OF 2022**

**WHEREAS**, in 1960 in the year when it was first adopted, the Constitution of American Samoa was said to represent the “greatest step forward” in the political development of the territory since the raising of the American flag on the island of Tutuila in 1900; and

**WHEREAS**, in the process of developing self-government, the people of American Samoa should enjoy certain rights and responsibilities inherent in the representative form of government clearly set forth in the Constitution; and

**WHEREAS**, the Constitution provides for an amendment process allowing the people to revisit, improve, or correct it and ensure it continues as a “living document”; and

**WHEREAS**, the last Constitutional Convention was in 2010; and

**WHEREAS**, on September 23, 2021, Public Law 37-6 was signed into law in order to provide an adequate budget of the American Samoa Constitutional Convention; and

**WHEREAS**, Executive Order 002-2016 created the Office of Political Status, Constitutional Review and Federal Relations for the purpose of researching and developing constitutional as well as political status issues and public education, communications and civil discourse; and

**WHEREAS**, Executive Order 006-21 directed the Office of Political Status, Constitutional Review and Federal Relations to prepare for the 2022 Constitutional Convention; and

**WHEREAS**, Executive Order 001-2022 created the Constitutional Review Committee, defining its duties, responsibilities, and powers and appointing the initial membership; and

**WHEREAS**, Executive Order 006-2022 called for the Constitutional Convention of 2022; and


**WHEREAS**, Executive Order 007-2022 called upon all county councils of the territory to submit their list of delegates to the American Samoa 2022 Constitutional Convention.

NOW, THEREFORE, I, LEMANU P. S. MAUGA, Governor of American Samoa, proclaim by virtue of the authority vested in me by the laws and the people of American Samoa, do hereby

proclaim the proceedings of Constitutional Convention of 2022 opened on August 29, 2022 through September 2, 2022. If necessary, the Convention will extend one additional day through September 3, 2022.

If the Convention approves amendments to the Revised Constitution of 1967 or a revised draft constitution by a simple majority vote, such amendments or such a draft will be submitted by the Governor to voters eligible to vote for members of the House of Representatives at the next general election.

IN WITNESS WHEREOF, I hereby affix my signature and seal of my office on this the 25th day of August, in the year of our Lord two thousand twenty-two.



LEMANU P. S. MAUGA  
Governor of American Samoa