



**OFFICE OF THE GOVERNOR
AMERICAN SAMOA GOVERNMENT**

Serial No.: 098 – 24

February 6, 2024

The Honorable Tualo Manaia E. Fruean
President of the Senate
Legislature of American Samoa
Fagatogo, American Samoa 96799

Subject: Public Law 38 – 12 – Approval of Senate Bill 38 – 5

Dear Mr. President:

I have approved Senate Bill 38 – 5, Public Law 38 – 12, “An act prohibiting the use of polystyrene foam containers.” This bill will go into effect 60 days after the end of the session.

The time and effort you and your colleagues have invested in considering this important law is greatly appreciated. May we continue to work together to address the needs of our Territory.

Sincerely,

A handwritten signature in black ink, appearing to read "Lemanu P. S. Mauga", with a long horizontal line extending to the right.

Lemanu P. S. Mauga
Governor

Encl: Public Law 38 – 12

THE THIRTY-EIGHTH LEGISLATURE OF AMERICAN SAMOA

Third Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the eighth day of January
two thousand and twenty four

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF POLYSTYRENE FOAM CONTAINERS; CREATING CHAPTER 23 UNDER TITLE 25 A.S.C.A."

Preamble:

WHEREAS, over the years, American Samoa has experienced a dramatic increase in the importation of polystyrene foam containers (sometimes referred to as Styrofoam™); and

WHEREAS, polystyrene foam is used to make plates, cups, bowls, trays, and clamshell containers, all commonly used as food and beverage containers in American Samoa; and

WHEREAS, due to the physical properties of polystyrene foam, the U.S. Environmental Protection Agency finds "such materials can have serious impacts upon human health, wildlife, and aquatic environment, and the economy;" and

WHEREAS, polystyrene contains a chemical used in the production process called "styrene" that has been linked to cancer, as well as reproductive and developmental disorders, by the National Research Council; styrene leaches from polystyrene foam containers into food and drink, according to the Styrene Information Research Center, whose membership consists of approximately 95% of the North American styrene industry; and

WHEREAS, polystyrene also contains the chemical "benzene" which, according to the International Agency for Research on Cancer, is a well-established cause of cancer in humans; and

WHEREAS, the American Samoa Community Cancer Coalition states that cancer is the second leading cause of death in the Territory; and

WHEREAS, the general public typically is not warned or aware of any potential hazard from styrene and benzene that may leach from polystyrene foam containers into food and drink when heated; and

WHEREAS, polystyrene foam is a notorious pollutant of the marine environment (marine debris) that breaks down into smaller, non-biodegradable pieces that are often mistaken for food and ingested by seabirds and other marine life; and

WHEREAS, a January 2016 report by the World Economic Forum (WEF) finds an increasing rate of plastics entering the oceans and predicts that, without significant action to reduce the flow, by 2050, there will be more plastic (by weight) in the world's oceans than fish; according to the WEF report, most of these plastics come from packaging, including food and beverage containers, and much of these plastics are made from polystyrene foam; and

WHEREAS, a May 2017 report by the New York City Department of Sanitation determined that dirty, post-consumer, single-service polystyrene foam food and beverage containers cannot be recycled in a manner that is economically feasible or environmentally effective; and

WHEREAS, due to these concerns, more than 100 jurisdictions in the United States have banned or restricted the sale or use of polystyrene foam containers and packaging materials, and several local businesses and a number of U.S. corporations have successfully replaced polystyrene foam containers with alternative, cost-competitive products; and

WHEREAS, due to American Samoa's own unique challenges, such as limited resources and geographic isolation, the continued widespread use of polystyrene foam containers will have a detrimental effect on public health, the land and marine environment, and territorial waste management efforts; and

WHEREAS, it is in the public's interest for the Legislature to adopt this restriction on polystyrene foam containers, in order to protect the health, natural environment and resources of the people of American Samoa.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is created a Chapter 23 under Title 25 A.S.C.A. which reads:

**“CHAPTER 23
POLYSTYRENE FOAM CONTAINER BAN**

Sections:

- 25.2301 This Act.**
- 25.2302 Definitions.**
- 25.2303 Prohibition on polystyrene foam containers.**
- 25.2304 Enforcement powers.**
- 25.2305 Penalties.**
- 25.2306 Enforcement costs.**
- 25.2307 Administrative management.**
- 25.2308 Polystyrene product exemptions.**
- 25.2309 Temporary excise tax reduction.**
- 25.2310 Preservation of authority.**
- 25.2311 Severability.**

25.2301 This Act.

This Act shall be known as the "Polystyrene Foam Container Ban."

25.2302 Definitions.

(a) For purposes of this Act, the following definitions shall apply:

(1) "Acceptable alternative to polystyrene foam containers" means any food service container that meets the ASTM Standard Specification D6400 or D6868, is certified as a compostable product by the Biodegradable Products Institute (BPI), or is composed of paper or other plant fiber.

(2) "ASTM Standard Specification" means the Standard Specification for Compostable Plastics D6400 or the Standard Specification for Biodegradable Plastics D6868, as adopted or subsequently amended by the American Society for Testing and Materials (ASTM) also known as ASTM International.

(3) "Polystyrene foam" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer.

(4) "Polystyrene foam container" means a food service container that is composed, in whole or in part, of polystyrene foam. This includes, but is not limited to, plates, cups, bowls, trays and hinged or lidded containers, also known as clamshells.

25.2303 Prohibition on polystyrene foam containers.

(a) No person shall import, sell, offer for sale, or otherwise distribute polystyrene foam containers in the Territory of American Samoa, unless exempted under this Act.

(b) Any shipment of prohibited polystyrene foam containers arriving in American Samoa after the effective date of this Act shall be held at the port of entry. The importer shall be responsible for shipping the prohibited polystyrene foam containers out of American Samoa within sixty (60) days of the arrival date and for

the payment of all associated port costs and fees. Any prohibited polystyrene foam product imported for commercial sale prior to the effective date of this act shall be sold within six (6) months of the effective date. All unsold products shall be subject to confiscation and the cost of its disposal shall be paid by the importer or shipper.

(c) If product composition cannot be readily verified by local government officials, it is the importer's responsibility to provide documentation from the product manufacturer or supplier to verify compliance with this Act. If product testing is required for verification of composition, it will be performed at the importer's expense.

25.2304 Enforcement powers.

(a) This Act shall be enforced by issuance of a written citation.

(1) The form of the citation shall be approved by the Attorney General, and copies of the form shall be ordered and paid for by each agency having authority to issue citations under this Act.

(2) Citations shall be signed by the person who issues the citation.

(3) A citation must be served by personal delivery to the defendant.

(4) No code sections need be specified if the charged violation specifically designated through the use of indicated boxes provided on the citation.

(5) The citation may also contain other information pertinent to the offense charged, together with such forms for appearance, plea, and waiver as may be necessary.

(b) Answering and contesting citations shall follow the procedures set forth in Title 25 Chapter 20 of the American Samoa Code Annotated.

(c) A sanitarian or other authorized person, including members of the Department of Public Safety, authorized employees of the solid waste agency, or authorized employees of ASEPA, the Department of Health, or the Department of Marine and Wildlife Resources may issue citations for violations of this Act, provided that any person so authorized has the training and experience necessary to perform the job as determined in consultation with the Attorney General.

(d) In addition to other enforcement provisions and penalties in this Act, where there is reasonable cause to believe that a violation of this Act, or rule adopted pursuant to it, has occurred, or is occurring, authorized employees of ASEPA may issue a stop order to the person or establishment responsible for the violation. The stop order must detail the facts alleged to constitute a violation and may include an order that necessary corrective action be taken within a reasonable time and must be served on the person in violation of this Act. Further, authorized employees of ASEPA may seize any supply or inventory of polystyrene foam containers in conjunction with issuance and service of a stop order. In the event of the failure of the person to comply with the order, the Director of ASEPA, after consultation with the Attorney General, may apply to the High Court for injunctive relief and, in the event a seizure has occurred, shall include a claim for forfeiture of the seized polystyrene foam containers.

25.2305 Penalties

(a) Violation of any provision of this Act is an infraction punishable under the following schedule of fines, at the discretion of the District Court, unless otherwise specifically provided:

	NO LESS THAN and NO MORE THAN	
First Offense	\$50.00 <u>\$300.00</u>	\$100.00 <u>\$300.00</u>
Second Offense	\$100.00 <u>\$500.00</u>	\$200.00 <u>\$1000.00</u>
Third Offense	\$400.00 <u>\$1,000.00</u>	\$500.00 <u>\$2,000.00</u>
Subsequent Offenses	\$500.00 <u>\$2,000.00</u>	\$1,000.00 <u>\$5,000.00</u>

(b) Any fine imposed under this Act must be paid to the violations bureau within the time specified by the court. If the court does not specify a deadline, payment must be made no later than fourteen (14) calendar days from the date the fine is imposed.

(c) All fines collected shall be deposited into the general fund and subject to appropriation by the Legislature and approval by the Governor.

25.2306 Enforcement costs.

(a) In addition to any fines or other costs assessed under this Act, the court shall impose a polystyrene enforcement fee of ten dollars (\$10.00) per conviction under this Act.

(b) Such fee, when assessed, shall be segregated into a separate account designated "ASG -Polystyrene Enforcement Account" overseen by the Treasurer of American Samoa. Such funds shall be expended solely for government-led enforcement efforts related to this Act including, but not limited to, inspector training, polystyrene materials testing, and the purchase and maintenance of necessary materials and equipment. ASEPA is the government agency designated to administer these funds.

(c) The revenues generated from the fee imposed in this section shall be subject to appropriation by the Legislature and approval by the Governor.

25.2307 Administrative management.

(a) ASEPA is designated as the agency responsible for implementation and administration of this Act, to include coordinating public education programs and enforcement efforts.

(b) Notwithstanding the effective date of this Act, ASEPA is authorized to immediately undertake, pursuant to the Administrative Procedures Act, A.S.C.A. 4.1001 et seq., promulgation of regulations necessary to implement and enforce the provisions of this Act.

25.2308 Polystyrene product exemptions.

(a) Automatic exemptions. The following polystyrene foam containers are exempt from the provisions of this Act:

- (1) imported prepackaged food;

- (2) trays used for raw meat, poultry, fish, or frozen foods;
- (3) polystyrene foam coolers and ice chests intended for reuse;
- (4) packaging materials for non-food items.

(b) Special requests for an exemption. Any person may seek an exemption from the provisions of this Act upon demonstrating that strict application of the requirements would cause undue hardship. "Undue hardship" shall be construed to include, but not be limited to: (1) situations where there are no acceptable alternatives to packaging with polystyrene foam containers for reasons that are unique to the applicant; or (2) situations where compliance with this Act would deprive a person of a legally protected right.

(c) Application process for exemption: (1) the person seeking an exemption shall submit a completed exemption application to ASEPA; (2) the exemption application shall include all information and documentation necessary for ASEPA to make a finding that imposition of this Act would cause an undue hardship; (3) ASEPA may require the applicant to provide additional information in order to make a determination regarding the exemption application; (4) ASEPA may grant an exemption for a period of up to one year; (5) in order to have any exemption extended, the applicant must re-apply for the exemption sixty days prior to the expiration of the existing exemption period and demonstrate continued undue hardship; (6) extensions may be granted for intervals not to exceed one year.

25.2309 Temporary excise tax reduction.

(a) In order to aid in the Territory's transition from polystyrene foam containers to acceptable alternatives, a one-year temporary excise tax reduction will be implemented as follows:

(1) For a period of one year, beginning on the Act's passage date and ending the day before the Act's effective date, acceptable alternatives to polystyrene foam containers, imported for commercial use and resale purposes, will be eligible for a temporary reduction of the excise tax required under Section 11.1002(a)(7), resulting in a reduction from eight percent (8%) to four percent (4%) of the basis of all such items.

(2) The American Samoa Government, Department of Treasury, Customs Division, will be responsible for assessing and collecting the temporary excise tax provided for in this Act.

(3) ASEPA will be responsible for generating, and periodically updating, an official listing of acceptable alternatives to polystyrene foam containers which qualify for the temporary excise tax reduction provided for in this Act.

25.2310 Preservation of authority

The provisions of this Act shall not in any way preempt or diminish the authority of any government agency to enforce other laws or regulations in the Territory, including those relating to Environmental Health in this Title, such as food and beverage sanitation, (Chapter 6) or solid and industrial waste (Chapter 20).


25.2311 Severability.

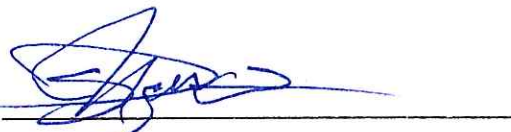
If any provision of this Act or its application to particular persons or circumstances is held invalid by a court of law, the application of such provision to other persons or circumstances shall not be affected, nor shall the remainder of the provisions of this Act be affected thereby.”

Sec 2. Effective Date.

This bill shall become effective 60 days after the end of the session at which it has been passed.


TUAOLO MANAIA E. FRUEAN
President of the Senate


SAVALI TALAVOU ALE
Speaker, House of Representatives


LEMANU P. S. MAUGA
Governor of American Samoa

NOFOAIGA TOLUSEFULU-VALU FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Lona Tolu

Nofioia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso valu o Ianuari
Lua afe luasefulufa

O SE PILI MO SE TULAFONO UA FAAIGOAINA: “O SE TULAFONO E FAASĀ AI LE IPU LEA E GAOSI MAI LE POLESETARINI (*POLYSTYRENE*) LEA O LOO TAATELE LE FA’AAOGA E AVE AI TAUMAFI; FAAVAE AI SE MATAUPU 23 I LALO O LE ULUTALA 25 T.T.A.S.”

Faatomuaga:

TALUAI, i le tele o tausaga, ua vaaia ai pea le tele mai ma faaopoopoina pea o le aumaia i totonu o ipu nei e fela’ua’i ai taumafa lea e gaosi i le mea pei o se uga; ma

TALUAI, o le ituaiga uga lea e faia ai ipu fai potu e tuu ai taumafa poo ipu e faaoga e ave ai mainu ma ligi ai le kofe, ma soo se ituaiga lava o fausaga o nei ipu o loo taatele le fa’aaoga mo taumafa, ma mea inu i Amerika Samoa; ma

TALUAI, talu ai o mea fa’aaoga e fausia ai le ituaiga uga lea e pei ona ta’ua, ua maua e le Vaega o le Puipuia o le Siomaga a le Iunaite Setete, (USEPA) e mafai ona matuia le afaina ai o le soifumaloloina o le tagata, o le meaola o le vaomatua, o le si’omaga i le vai, atoa ai foi ma le afaina ai o le tamaoiga; ma

TALUAI, o le ituaiga uga lea e gaosi ai ipu nei, o loo i ai se vaila’au e fa’aaoga i le fausaga e ta’ua o le “setarini” (*styrene*) e i ai lana fesoota’iga ma le kanesa, faapea foi ma nisi o gasegase e aafia ai le foafoaina o le tagata ma lona atiina a’e, e tusa ai ma faamaumauga a le Fono e faia suesuega i mea faapea. O le setarini, e alu ese mai totonu o ipu nei, ma ulu i totonu o le meatausami poo le mainu, e tusa ai ma faamatalaga mai Vaega sa faia nei Suesuega, lea e faapea e tusa o le 95% o latou totino e i totonu o galuega nei e gaosi ai le setarini; ma

TALUAI, e le gata i lea, ae i ai foi i totonu lava o le fausaga o le ipu lea e ta’ua, le vaila’au o le “penisini” (*benzene*) lea ua uma ona faamaonia e le Vaega Su’esu’e o le Kanesa a le Va-o-malo, e maua ai le kanesa i tagata; ma

TALUAI, ua fa'aalia e le Vaega o le Kanesa i Amerika Samoa, o lenei gasegase, o le mafuaaga numera tasi lea o le maliu i le Teritori; ma

TALUAI, e le o lapata'ia lava le mamalu lautele pe latou te silafia foi le tele o le afaina mai vaila'au e gaosi ai nei ipu ona e mafai ona oo i totonu o taumafa pe afai e faavevela i le ipu lea, pe tuu foi i ai le taumafa vevela; ma

TALUAI, o le uga lava ia o le polesetarini (*polystyrene*) ma ipu ia e gaosi mai ai, o le matua leaga lava pe afai e oo i le sami, ona e mafai ona ta'ei nei ipu pe nuti, ma avea ai ma faafitauli tele ona e le mafai ona pala, ae sese ai manu ma i'a, ma isi meaola o le sami ma latou 'aina ai ona e faapea o se mea'ai; ma

TALUAI, i se lipoti a le Fono o le Tamaoaiga o le Lalolagi (WEF) ia Ianuari, 2016, o loo ta'ua ai le faatupula'ia pea o le otaota faapea ua oo i le sami, ma latou valo'ia ai, a leai se mea e faia e faaititia ai, e oo atu i le 2050, ua sili atu ona tele le mamafa o le otaota uga lea i ogasami o le lalolagi, nai loo i'a. E tusa ai ma le lipoti a le WEF o le tele o le uga ma le pepa iila (plastic) e sau mai mea e afifi a'i oloa, e aofia ai meatausami ma vaiinu, ma o le tele lava e gaosi mai le mea lava lea e gaosia ai le ipu polesetarini (*polystyrene*); ma

TALUAI, i se lipoti a le Matagaluega o le Tumamā a le Aai a Niu Ioka ia Me 2017, na aumai ai se latou faaiuga, e le mafai ona toe faafou ma toe faaleleia ipu nei pe afai ua palapala, ua uma ona fa'aaoga, tusa lava pe na o le faatasi ona fa'aaoga, ona e le fetau se mea e toe maua mai ai ma e le talafeagai foi ma le siomaga; ma

TALUAI, talu ai atugaluga uma nei, ua silia i le 100 pulega i totonu o le Iunaite Setete ua faasā pe faatapulaa foi le faatauina poo le fa'aaoga foi o ipu nei ma mea e afifi ai oloa, ma ua tele pisinisi ua fa'aaoga isi ituaiga o oloa ma ipu talafeagai ai; ma

TALUAI, e i ai lava lu'itau e patino lava ia Amerika Samoa, e pei o le tapulaa o alamanuia, ma le motu ese mai o le mea i ai, o le a tele se afaina tau le soifuamaloloina, o eleele ma le sami, ma le taumafai ai e pulea le lafoa'ia o le otaota, pe afai lava e fa'aaoua ona fa'aaoga ipu poo koneteina nei; ma

TALUAI, o se mea lelei ma manuia mo le lautele pe afai e pasia e le Fonofaitulafono le faatapulaaina poo le faasā o ipu ma koneteina nei, ina ia puipui ai le soifuamaloloina, o le siomaga faanatura ma alamanuia o tagata o Amerika Samoa.

IA FAATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

Maga 1. Ua faavae nei se Mataupu 23 i le Ulutala 25 T.T.A.S. ua faitauina:

“MATAUPU 23

FAASĀ IPU/KONETEINA UGA POLESETARINI

Maga:

- 25.2301 O lenei Tulafono.**
- 25.2302 Uiga.**
- 25.2303 Faasaina o koneteina/ipu polesetarini.**
- 25.2304 Malosi e faamalosia ai.**
- 25.2305 Faasalaga.**
- 25.2306 Totogi o le faamalosia o le tulafono.**
- 25.2307 Pulega ma le faagaoioia.**
- 25.2308 Oloa polesetarini e faagafua.**
- 25.2309 Faaitiitia le tumau o le lafoga o oloa.**
- 25.2310 Faatumauina o le pule.**
- 25.2311 Tuueseeseina.**

25.2301 O lenei Tulafono.

O lenei Tulafono o le a faaigoaina o le “Faasā Ipu/Koneteina Uga Polesetarini.”

25.2302 Uiga.

(a) Mo lenei lava mataupu, o uiga nei o upu e fa’aaogaina:

(1) “Ituaiga o koneteina e taliaina e sui ai ipu polesetarini” o lona uiga soo se koneteina e aumai ai taumafa e talafeagai ma Tuutuuga ua Faataatia mai e le Sosaiete Amerika e Su’esu’ea mea faapea (ASTM) e pei ona faaigoa ai o le D6400 poo le D6868 e pasia mai ai se oloa e mafai ona pala e pei ona aumai ai e le Vaega e Vaaia oloa faapea (BPI), poo ni ipu foi e gaosia mai le pepa poo isi mea e maua mai la’au.

(2) “Tuutuuga o tulaga e talia e le ASTM” o lona uiga o le Tulaga o le Pepa palasitika iila D6400 poo le ituaiga D6868 lea e mafai ona pala, e pei ona pasia ai ma sui e le Sosaiete Amerika (ASTM) lea foi e ta’ua i nisi taimi o le ASTM o le va o malo.

(3) “Uga Polesetarini” o lona uiga o le polesetarini e mafai ona feula ma fefaloa’i ma fetuleia’i ina ia faavaivai ai ma faigofie ona fesuia’i lona tino mai pe a faavevela e fa’aaoga ai le setarini.

(4) “Koneteina ipu polesetarini” o lona uiga o se ipu poo se koneteina e tuu ai mea'ai e faia uma lava pe faia foi se vaega i le uga polesetarene. E aofia ai, ae le tapulaa ai, ipu mafolafola, o ipu ti, o ipu faaofuofu, ipu ave mea'ai, ipu faitapuni ma ipu ia e faaigoa i nisi taimi o le atigifaisua ona o lona foliga mai.

25.2303 Faasaina/Tapu o koneteina/ipu polesetarini.

(a) E leai se tagata e aumaia i totonu, faatau atu, pe tufaina foi ni koneteina/ipu polesetarini i le Teritori o Amerika Samoa, sei vagana ai se tuusaunoaga i lalo o lenei mataupu.

(e) Soo se uta lava o ipu nei e taunuu mai i Amerika Samoa ae ua mae'a le aso taualoa o lenei Tulafono o le a taofia i le taulaga e taunuu mai i ai. O le tagata lava na te aumaia nei oloa o le a gafa ma le totogiina o le toe faafoiina atu o ia mea ma aveese atu ma Amerika Samoa i totonu o le 60 aso talu ona taunuu mai atoa foi ma le totogia o isi uma lava mea e tatau ona totogi i le uafu. So'o se ipu uga fa'asaina e fa'aulufale mai mo le fefa'ataua'iga fa'apisinisi a'o le'i o'o i le aso fa'amamaluina o lenei Tulafono, e tatau ona fa'atau atu i totonu o le ono (6) masina mai le aso na taualoaina ai le tulafono. O oloa uma e le'i fa'atauina e mafai ona aveeseina faamalosi ma o le tau o lona lafoaiina e tatau ona totogi e le tagata na aumaia i totonu po'o le faatauina mai.

(i) Afai e le mafai e ofisa o le malo ona faamaonia o le fausaga o ipu ia, o le matafai oi a le tagata na aumaia le uta le tuuina mai o pepa uma mai le mea na faia ai ipu poo le faiolea foi na aumai ai ina ia faamaonia le usita'ia o le mataupu lenei. Afai e manaomia le su'eina o le oloa e faamaonia ai lona gaosiga, o le totogi foi e le tagata e ana le uta le faataunuina o su'esu'ega.

25.2304 Malosi e faamalosia ai.

(a) O lenei mataupu e faamalosia e ala i le tuuina mai o se samania tusitusia.

(1) E faamaonia e le Loia Sili le pepa lea e faia ai samania ma e oka ma totogi le pepa lea e vaega taitasi e i ai le pule e samania ai i lalo o lenei mataupu.

(2) O le samania, e sainia lava e le tagata lea e faia.

(3) E tatau lava ona tuu sa'o le samania i le tagata lea ua tu'ua'ia

(4) E le tau faailoaina fua maga o le tulafono pe afai o le solitulafono ua tuua'ia ai o loo fa'aaoga tamai pusa na o loo tuuina atu i le tusi samania.

(5) E mafai foi ona aofia i le samania isi faamatalaga e talafeagai ma le solitulafono, faatasi ai ma pepa mo le oo atu i le faamasinoga, o le tali i le tuua'iga, ma se tuusaunoaga pe afai e talafeagai ai.

(e) Tali atu ma le faafinauina o samania, e tatau lava ona mulimuli i le faiga e pei ona i ai i le Ulutala 25 Mataupu 20 TTAS.

(i) O i latou e mafai ona latou tusia o samania mo le solia o lenei mataupu, e i ai se sui o le tumama poo isi tagata faatagaina, e aofia ai le Matagaluega o le Saogalemu Lautele, tagata faigaluega faatagaina a le vaega e gafa ma le otaota, poo

tagata faigaluega faatagaina a le Vaega e Puipuia le Siomaga i Amerika Samoa (ASEPA), Matagaluega o le Soifuamaloloina, poo le Matagaluega o le Sami ma le Vaomatua, pe afai o tagata ua faatagaina ua i ai le a'oa'oga ma le tomai masani e talafeagai ai ma le faia o le galuega e pei ona maua ai o se faaiuga i fesootaiga ma le Loia Sili.

(o) E le gata i isi aiaiga ma faasalaga i totonu o lenei Tulafono, ae o fea lava e i ai se mafuaaga e talitonu ai ua solia lenei mataupu, poo se tuutuuga foi ua uma ona pasia e tusa ai lava ma lenei, e mafai ona tuuina mai e tagata faigaluega faatagaina a le ASEPA se poloa'iga e taofia ai i le tagata poo se pisinisi foi mo lena solitulafono. E tatau ona auiliili i le poloa'iga lea mea ia ua tuua'ia ai i le solitulafono ma e mafai foi ona aofia ai ma se poloa'iga ina ia faia se faiga e faasa'o ai i totonu o se vaitaimi o le a tuuina atu ma e tatau lava ona tuuina atu lea i le tagata o loo ia soli lenei mataupu. I le ma le isi, e mafai e tagata faigaluega faatagaina a le ASEPA ona faoa soo se sapolai poo se su'egaoloa foi o le uga polesetarini i le fesootai ai ma le samania ma le tuuina atu o le poloa'iga e taofia ai. Afai ae le usita'ia e le tagata lea le poloa'iga e taofi ai, e mafai e le Faatonusili o le ASEPA, pe a mae'a se la feutaga'iga ma le Loia Sili, ona talosaga i le Faamasinoga Maualuga mo se poloaiga e faasa ai ma, afai e taofia, ia aofia ai se tuutuuga e taofia ai ipu polesetarini lea ua taofia.

25.2305 Faasalaga.

(a) O le solia o soo se aiaiga o lenei mataupu o le a faasala e pei ona ta'ua i le faasologa lea o le a ta'ua i lalo i le faitalia o le Faamasinoga Faaitumalo, sei vagana ai e i ai se isi aiaiga faapitoa e tuuina mai:

	IA LE ITITI IFO ma E LE SILI ATU I LENEI	
Solitulafono Muamua	\$50.00\$300.00	\$100.00\$500.00
Faalua	\$100.00\$500.00	\$200.00\$1,000.00
Faatolu	\$400.00\$1,000.00	\$500.00\$2,000.00
Sili atu i le Faatolu	\$500.00\$2,000.00	\$1,000.00\$5,000.00

(e) Soo se sala tupe e faaee i lalo o le mataupu lenei e tatau ona totogi atu i le ofisa e tuuina mai ai faasalaga i totonu o le vaitaimi o loo faatonuina e le faamasinoga. Afai e le o aumaia faapitoa e le faamasinoga se aso e tatau ai ona mae'a ona totogi le sala, e tatau la ona totogi e le silia le 14 aso faakalena mai le aso na aumai ai le faasalaga.

(i) O salatupe uma e aoina o le a tuuina i totonu o le teugatupe tele a le malo ma e tatau ona faasoaina e le Fonofaitulafono ma faamaonia e le Kovana.

25.2306 Totogi o le faamalosia o le tulafono.

(a) E le gata i soo se salatupe poo nisi lava mea e totogi o loo faia i lalo o lenei mataupu, o le a tuuina mai ai foi e le faamasinoga se faaopoopoga e \$10 mo le faamalosia o le tulafono i soliga taitasi uma o lenei mataupu.

(e) O tupe nei e tologi, o le a faailoga ese i se teugatupe ese e faaigoaina o le "Teugatupe o le Faamalosia o le Tulafono Polesetarini a le Malo o Amerika Samoa" e vaaiia e le Teutupe o Amerika Samoa. O tupe nei e fa'aaoga lava mo galuega e ta'ita'ia e le malo i le faamalosia o le tulafono lea, ae le faatapulaaina mo le tolenia o le au asiasi, o le su'esu'ea o oloa tau polesetarini, ma le faatauina ma tausia lelei o mea faigaluga e fa'aaoga. O tupe ia o le a faagaioia e le ASEPA.

(i) O tupe e maua mai i le maga lenei e tatau ona faasoia e le Fonofaitulafono ma pasia e le Kovana.

25.2307 Pulea ma le faagaioia.

(a) Ua tofia le vaega e vaaiia le puipua o le si'omaga iinei, le ASEPA, e gafa ma le faagaioia ma le pulea o le mataupu lenei, e aofia ai le tuufaatasia o porokalama faalea'oa'oga mo le lautele ma le faamalosia o le tulafono.

(e) E ui lava ina i ai le aso e taualoa ai lenei Tulafono, e faataga le ASEPA, e tusa ai ma le Tulafono o Taualumaga o Pulega 4.1001 ma isi maga e mulimuli mai ai TTAS, ina ia faalauaitete aiaiga e tatau ai mo le faagaioia ma le faamalosia o aiaiga o lenei mataupu.

25.2308 Oloa polesetarini e faagafua.

(a) Faagafuaga otometi. O koneteina/ipu polesetarini nei e faagafua mai aiaiga o le mataupu lenei:

(1) taumafa mai fafo ua uma ona afifi;

(2) ipu/tray lea e aumai ai tino mata o manifasi, moa, i'a ma taumafa tuuaisea;

(3) o kula polesetarini ma isi mea faapena e faamoemoe e toe fa'aaoga;

(4) o pepa e afifi mai ai oloa e le o ni taumafa.

(e) Talosaga faapitoa mo se faagafuaga. Soo se tagata e mafai ona talosaga ina ia faagafua mai aiaiga o lenei mataupu pe afai e faailoa o le a matua afaina lava pe afai e tausia mana'oga o lenei tulafono. "O le afaina lea" e ta'ua o le a aofia ai, ae le tapulaa ai foi le: (1) pe afai lava e leai se isi auala e tusa ai ma le manaoga faapitoa o le tagata lea e talosaga, vagona ai le polesetarini e mafai ona aumai ai o le uta; poo (2) pe afai o le usita'ia o le mataupu lenei o le a aveese ai se aia puipua e le tulafono o se tasi.

(i) Faagasologa o le talosaga mo le faagafua: (1) e saunia ma faaoo atu se talosaga a se tagata ua mae'a ona faatumu i le ASEPA; (2) o le talosaga lea ia aofia ai faamatalaga uma ma pepa e talafeagai ai i le ASEPA ina ia faia ai se faaiuga e faapea o le faaee o le mataupu lea o le a matua afaina ai; (3) e mafai e le ASEPA ona fesiligia le tagata talosaga mo nisi faamatalaga ina ia mafai ai ona fai o se faaiuga e faatatau i le talosaga e faagafua; (4) e mafai e le ASEPA ona tuuina atu se tuusaunoaga mo se taimi e oo atu i le 1 le tausaga; (5) afai e toe faaopoopo le taimi o se tuusaunoaga, e tatau lava i le tagata talosaga ona toe faia o se isi talosaga i totonu o le 60 aso ae lei uma le aoga o le uluai tuusaunoaga ma ia faailoa ai pea le tulaga

afaina pe afai e le faia lea; (6) e mafai ona tuuina mai o se faaaopoopoga o aso mai lea taimi i lea taimi ae aua nei silia i le 1 tausaga.

25.2309 Faaititia le tumau o le lafoga o oloa.

(a) Ina ia fesoasoani i le fesuia'iga mai le polesetarini i se isi ituaiga o ipu e mafai ona taliaina, o le a faaititia ai mo se tausaga le lafoga o oloa e faapenei:

(1) Mo se vaitaimi e tasi le tausaga, e amata i le aso e pasia ai le Tulafono e oo i le aso e sosoo ma le aso e taualoa ai, o le a agavaa mo le faaititia o le lafoga oloa mo se taimi le tumau e tusa ai ma le 11.1002(a)(7) TTAS, ituaiga koneteina ia o le a suia ai le polesetarini ma o le a faaititia ai mai le 8% i le 4% le faavae o oloa uma ia.

(2) O le Vaega a le Tiute, Matagaluega o Tupe a le Malo o Amerika Samoa, o le a gafa ma le fuafuaina ma le aoina o le lafoga le tumau lea e pei ona o le a aiaia i lenei mataupu.

(3) O le ASEPA e gafa ma le saunia ma faafou pea mai lea taimi i lea taimi le lisi aloa'ia o mea e mafai ona sui a'i o le polesetarini e agavaa mo le faaititia le tumau o le lafoga i lenei mataupu.

25.2310 Faatumauina o le pule.

O aiaiga o lenei mataupu o le a le faaititia ai le pule o soo se vaega a le malo e faamalosia ai isi tulafono poo ni tuutuuga i le Teritori, e aofia tulafono e faatatau i le Soifuamaloloina tau le Siomaga (Ulutala 25 TTAS), e pei o taumafa ma le tumama i meainu (Mataupu 6) poo le otaota foi (Mataupu 20).

25.2311 Tuueseeseina.

Afai e i ai se aiaiga o lenei mataupu poo lona fa'aaogaina foi i ni tagata, poo ni mea foi e tulai mai e faaleaogaina e se faamasinoga o le tulafono, o le a le afaina ai fua lava le fa'aaoga o aiaiga na i isi tagata poo ni tulaga foi e tulai mai, pe aafia ai fua lava isi aiaiga o lenei mataupu."

Maga 2. Aso e taualoa ai.

O lenei pili o le a taualoa i totonu o le 60 aso talu ona uma le tauaofiaga na pasia ai.



TUAOLO MANAIA E. FRUEAN
Peresetene, Maota Maua-luga



SAYALI TALAVOU ALE
Fofoga Fetalai, Maota o Sui



LEMANU P. S. MAUGA
Kovana o Amerika Samoa