




LEGISLATURE OF AMERICAN SAMOA
American Samoa Government

CERTIFICATION

Senate Chamber
October 2, 2023

I certify that Senate Resolution No. 38-28 passed on this date in the Senate during its Second Regular Session of the Thirty-Eighth Legislature of American Samoa.


MR. LEO'O V. MA'O
Secretary of the Senate

SENATE RESOLUTION

“A SENATE RESOLUTION SEEKING TO ADVISE GOVERNOR LEMANU P. S. MAUGA TO PURSUE THE UNITED STATES CONGRESS WITH URGENCY AND TO PETITION THE APPROVAL OF OUR CONSTITUTIONAL AMENDMENTS PASSED DURING THE 6TH CONSTITUTIONAL CONVENTION OF AMERICAN SAMOA IN 2022.”

WHEREAS, in 1872, the Navy Commander Richard Meade of the USS Naragansett visited Pago Pago. Commander Meade entered into an agreement entitled “Commercial Regulations, etc.” with then High Chief Mauga. This started a long-time relationship between Tutuila, Manu’a, Aunu’u and Swains, with the United States, which culminated in the signing of a deed of cession between the high chiefs of Tutuila and the United States in 1900. Tutuila agreed to “cede, transfer and yield up” the islands of Tutuila and Aunu’u to be a district annexed to the United States. In return, the United States agreed to respect and protect the individual rights of all people dwelling in Tutuila to their lands and other property. The islands of Manu’a then were ceded to the United States in 1904; and

WHEREAS, for many years after that, the “Islands of Tutuila, of the Samoan Group, and all other islands of the group east of Longitude 171 degrees west of Greenwich, are hereby placed under the control of the Department of the Navy.” The Navy governed American Samoa until July 1, 1951, when the administration of American Samoa was then transferred from the Secretary of the Navy to the Secretary of the Interior. The administration of American Samoa is currently still with the Secretary of Interior, pursuant to Executive Order No. 10264. That states “The administration of American Samoa is hereby transferred from the Secretary of the Navy to the Secretary of the Interior, such transfer to become effective on July 1, 1951.” ; and

WHEREAS, American Samoa adopted its own constitution in 1960, which was then revised in 1967; and

WHEREAS, the Revised Constitution provides for amendments to the constitution to be made in one of two ways:

1. By way of a Joint Resolution whereby 3/5’s of all members of each House shall pass it. The Governor is then requested to submit the proposed amendment to the voters, eligible to vote at the next general election. If a majority of such voters voting, approve such amendment, the Governor shall, within 30 days after such approval submit the same to the Secretary of the Interior for approval or disapproval within 4 months after its receipt.

2. *The Governor shall appoint a Constitutional Committee to prepare amendments to be submitted to the Governor who shall call a constitutional convention to consider the same. If the convention approves such amendments made therein by the convention, the same as approved shall be submitted to the voters eligible to vote at the next general election. If the majority of the voters approve the amendments, the Governor shall submit the same to the Secretary of Interior for her approval and if she approves it, the amendments shall become part of the constitution; and*

WHEREAS, *on August 29, 2022, American Samoa held its 6th Constitutional Convention. Eleven (11) amendments were agreed upon to be put to the people to vote on at the next general election, which took place on November 8, 2022:*

1. *The Governor shall appoint the Chief Justice and Associate Justices subject to confirmation by the Legislature.*
2. *The Secretary of Interior shall not have the power to change the decisions of the High Court of American Samoa.*
3. *The Secretary of Interior shall not have the power to change the Legislature's override of the Governor's Veto.*
4. *This amendment shall add one (1) seat to Representative District– Ituau and, add one (1) seat to Representative District –Tualauta. The total number of Representatives would increase from 20 to 22.*
5. *This amendment shall include “Malaeimi” in Representative District No. 12 – Ituau.”*
6. *This amendment will give the delegate from Swains Island the right to vote in the House of Representatives.*
7. *This amendment will restore five (5) Senators to Manu'a. The total number of Senators would increase from 18 to 20.*
8. *This amendment shall include an impeachment process of the Governor and Lt. Governor.*
9. *This amendment shall change the name “Government of American Samoa” to “American Samoa Government”.*
10. *This amendment shall change “Ma’uputasi” to “Ma’oputasi”.*
11. *This amendment shall change “Leasina” to “Leasina ma Aitulagi”.*

WHEREAS, *of those eleven (11) amendments to the Revised Constitution, only five (5) were approved by the people:*

Amendment 6. This amendment will give the delegate from Swains Island the right to vote in the House of Representatives.

Amendment 8. This amendment shall include an impeachment process of the Governor and Lt. Governor.

Amendment 9. This amendment shall change the name “Government of American Samoa” to “American Samoa Government”.

Amendment 10. This amendment shall change “Ma’uputasi” to “Ma’oputasi”.

Amendment 11. This amendment shall change "Leasina" to "Leasina ma Aitulagi".

WHEREAS, *on December 14, 2022, Governor Lemanu Peleti Mauga transmitted the five (5) constitutional amendments to the American Samoa Revised Constitution to Secretary of Interior, Deb Haaland. Governor Lemanu stated, "The people of American Samoa have spoken. We ask that you support these amendments and take such actions as may be necessary and appropriate to bring them into effect...and to facilitate the will of our people."*

WHEREAS, *Assistant Secretary Carmen G. Cantor of Insular and International Affairs acknowledged receipt of the Voter-Approved Amendments to the American Samoa Revised Constitution, as conveyed by Governor Lemanu in a press statement issued on January 2023. In acknowledging our constitutional amendment submissions, Assistant Secretary Cantor stated, "We will review the amendments you transmitted to the Secretary in the same spirit of respect for self-determination as well as the laws and policies of the federal government for appropriate action; and*

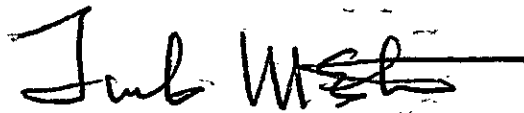
WHEREAS, *in addition to the requirements stated above for submission of constitutional amendments to the Secretary of Interior, Public Law 98-213, sec. 12, 97 Stat. 1462 (codified as 48 U.S.C. Sec. 1662a) states "Amendments of, or modifications to, the constitution of American Samoa, as approved by the Secretary of the Interior pursuant to Executive Order 10264 as in effect January 1, 1983, may be made only by Act of Congress." In short, our five constitutional amendments submitted to the Secretary of Interior must be approved by her and then submitted to Congress for their approval or disapproval; and*

WHEREAS, *it has been approximately nine (9) months since our constitutional amendments have been submitted to the Department of Interior. This resolution bids Governor Lemanu Peleti Mauga to reach out to Secretary of Interior Deb Haaland to inquire as to her approval or disapproval of our Constitutional Amendments. This resolution bids Governor Lemanu to push this process and petition the approval of our constitutional amendments by Secretary Haaland. This resolution bids Governor Lemanu to entreat the US Congress to approve our constitutional amendments and allow us to achieve self-determination, self-sufficiency, and self-actualization. It will be 124 years since our forefathers trusted the United States enough to sign the Deed of Cession allowing them a US presence in our part of the world. It is high time that we be allowed to make decisions that will benefit our territory and our people.*

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE TERRITORY OF AMERICAN SAMOA:

THAT, the American Samoa Senate, for itself and on behalf of the people of the Territory of American Samoa, advises Governor Lemanu P.S. Mauga to pursue Congress with urgency and petition the approval of our constitutional amendments; and

BE IT FURTHER RESOLVED, *that the President of the Senate, the Honorable Tualo Manaia E. Fruean, or his authorized representative, is respectfully requested to present this Senate Resolution to Governor Lemanu and the American Samoa Government.*



TUAOLO MANAIA E. FRUEAN
President of the Senate

PUGAFONO MAOTA MAUALUGA

“O LENEI PUGAFONO A LE SENATE E SAILI AI LE FAUTUAINA O LE AFIGA IA KOVANA LEMANU P.S. MAUGA, E SAILI VAVE LE KONEKERESI A LE IUNAITE SETETE MA TALOSAGAINA LE FAAMAONIA O SUIGA SA PASIA I LE TAUAOFIAGA LONA 6 O LE FAAVAE O AMERIKA SAMOA I LE 2022.”

TALUAI, *i le 1872, sa asiiasi mai ai le Taitai o le Navy ia Richard Meade o le USS Naragansette i Pago Pago. O le taitai ia Meade sa faia se maliliega ma le Afioga ia Mauga ua faaigoaina “Tuutuuga Faapisinisi ma isi mea.” Sa amata ai iina se fesootaiga umi i le va o Tutuila, Manua, Aunuu ma Swains ma le Iunaites Setete, lea e taualuga i le sainia o le feagaiga o le tuuina atu i le va o ta'ita'i o Tutuila ma le Iunaites Setete i le 1900. Ua malie Tutuila e “tuu atu, avatu ma faamatuu atu” Tutuila ma Aunuu e avea ma itumalo e vaaia e le Iunaites Setete. I le tali mai, ua malie le Iunaites Setete e faaaloologia ma puipuia aia tatau o tagata taitoatasi uma o loo alala i Tutuila i o latou fanua ma isi mea totino. O motu o Manua sa tuuina atu i le Iunaites Setete i le 1904; ma*

TALUAI, *ina ua mavae le tele o tausaga, “o Motu o Tutuila, o le atu Samoa, ma isi ona vaega uma i le itu i sasa'e o le logitu 171 tikeri i sisifo o le meritiana o le Greenwich, ua tuuina atu nei i lalo o le vaavaaiga a le Matagaluega a le Navy.” Sa pulea e le Navy Amerika Samoa se seia oo mai ia Iulai 1, 1951, ina ua suia le pulea o Amerika Samoa mai le Failautusi o le Navy i le Failautusi o le Initeria. O le pulega o Amerika Samoa o lōo i ai pea e oo mai nei i le Failautusi o le Initeria, e tusa ma le Poloaiga Faaperesetene, Numera 10264. O le poloaiga lena o loo faapea mai, “O le pulea o Amerika Samoa ua suia nei mai le Failautusi o le Navy i le Failautusi o le Initeria ma o lea suiga ia taualoaina ia Iulai 1, 1951,” ma*

TALUAI, *sa faia e Amerika Samoa lona lava faavae i le 1960, ma toe teuteu i le 1967; ma*

TALUAI, *o le Faavae Toe Teuteu o loo aiaia ai suiga mo suiga o le faavae e faia i se tasi o ni auala se lua:*

- 1. E ala i se iugafono soofaatasi lea e tatau ona pasia e le 3/5 o sui o Maota taitasi. Ona talosagaina lea o le Kovana ina ia tuuina atu suiga*

i le au palota, ina ia palotaina i le isi palota tele e sosoo ai. Afai e fulisia le au palota e sapaapapai ia suiga, e tatau i le Kovana i totonu o le 30 aso ina ua maea ona faamaonia, ona tuuina atu suiga i le Failautusi o le Initeria mo le taliaina poo le teena i totonu o le 4 masina talu ona maua.

- 2. E tofia e le Kovana se Komiti o le Faavae e tapenaina suiga e tuuina atu i le Kovana, o ia e taloina se fono o le faavae e toe silasila i suiga. Afai e pasia e le fono faavae ia suiga, ma faamaonia, e ao ona tuuina atu i tagata palota, ina ia palotaina i le isi palota tele e sosoo ai. Afai e sapaapapaa e tagata palota suiga, o le a tuuina atu e le Kovana ia suiga i le Failautusai o le Initeria mo lana faamaoniga ma afai na te talia, ona ave loa lea o suiga ma vaega o le Faavae; ma*

TALUAI, *ia Aukuso 29, 2022, na tauaofia ai lona 6 o Fono Faavae a Amerika Samoa. E 11 suiga sa malilie e tuuina atu i tagata palota ina ia palotaina i le isi palota tele e sosoo ai, lea sa faataunuunuina ia Novema 8, 2022.*

- 1. E tofia e le Kovana le Faamasino Sili ma Faamasino Lagolago e faalagolago i le faamaoniga a le Fono Faitulafono.*
- 2. E leai se malosi o le Failautusi o le Initeria e suia ai se faaiuga a le Faamasinoga Mauaoluga a Amerika Samoa.*
- 3. E leai se malosi o le Failautusi o le Initeria e suia ai le faaleaogaina e le Fono Faitulafono o le Teena a le Kovana.*
- 4. O lenei suiga e faaopoopo ai se Sui Faipule e tasi i le Itumalo Ituau, tasi se Sui Faipule faaopoopo i le Itumalo o Tualauta. O le a faaopoopo ai le aofaiga o Sui Faipule mai le 20 i le 22.*
- 5. O lenei suiga e aofia ai "Malaeimi" i Sui Faipule o le Itumalo Faapalota Numera 12-Ituau"*
- 6. O lenei suiga e avatu ai le aia i le sui o le Motu o Swains e palota ai i le Maota o Sui.*
- 7. O lenei suiga o le a toe faafoia ai le 5 Senatoa i Manua. O le a faaopoopo ai Senatoa mai le 18 i le 20.*
- 8. O lenei suiga o le a aofia ai taualumaga o le faaleaogaina o le faatulaiese o le Kovana ma le Lutena Kovana.*
- 9. O lenei suiga e suia ai le faaupuga "Malo Amerika Samoa" (GAS) i le "Malo o Amerika Samoa" (ASG).*
- 10. O lenei suiga e suia ai le upu "Ma'uputasi" i le "Ma'oputasi."*
- 11. O lenei suiga e suia ai "Leasina" i le "Leasina ma Aitulagi".*

TALUAI, *O nei suiga e 11 i le Faavae Toe Teuteu, na o le 5 suiga na faamaonia e tagata:*

- Suiga 6. O lenei suiga e avatu ai le aia i le sui o le Motu o Swains e palota ai i le Maota o Sui.*

Suiga 8. O lenei suiga o le a aofia ai taualumaga e faatulai ese ai le Kovana ma le Lutena Kovana.

Suiga 9. O lenei suiga e suia le "Malo Amerika Samoa" (GAS) i le "Malo o Amerika Samoa" (ASG).

Suiga 10. O lenei suiga e suia le "Ma'uputasi" i le "Ma'oputasi."

Suiga 11. O lenei suiga e suia ai "Leasina" ia "Leasina ma Aitulagi".

TALUAI, *O Tesema 14, 2022, sa tuuina atu ai e Kovana Lemanu Peleti Mauga suiga e 5 o le Faavae Toe Teuteu I le Failautusi o le Initeria, Deb Haaland. Sa ta'ua e Kovana Lemanu, "Ua faaalua finagalo o tagata Amerika Samoa. E talosagaina lau lagolago i nei suiga ma faia se gaioiga tatau ma talafeagai e taualoa ai... ma faalauaitele ai le finagalo o o matou tagata."*

TALUAI, *sa faailoa e le Failautusi Lagolago o Mataupu tau Atumotu ma le Va o Malo, Carmen G. Cantor le mauaina o suiga sa faamaonia e tagata palota i le Toe Teuteuga o le Faavae e pei ona faaoo atu e Kovana Lemanu i le au faasalalau ia Ianuari 2023. I le faalauiloaina o tatou suiga o le faavae sa tuuina atu, sa ta'ua ai-e le Failautusi Lagolago ia Cantor, "O le a matou iloiloaina suiga ua tuuina atu i le Failautusi, i le agaga e tasi o le faaaloalo mo le faailoaina o lo outou finagalo faapea foi tulafono ma faiga tausisia a le malo feterale mo se gaioiga talafeagai; ma*

TALUAI, *i se faaopoopoga i manaoga ua ta'ua i luga mo le tuuina atu o suiga o le faavae i le Failautusi o le Initeria, o le Tulafono Lautele 98-213, maga 12, 97 (o loo ta'ua i le tulafono o le TTUS 48, Maga 1662a) e faamatalaina o "Suiga o, poo fesuiaiga, o faavae o Amerika Samoa, e pei ona faamaonia e le Failautusi o le Initeria e tusa ma le Poloaiga Faaperesetene 10264 e pei ona taualoaina ia Ianuari 1, 1983, pau le auala e mafai ona fai ai o se Gaioiga a le Konekeresi." A faapuupuu, o tatou suiga e 5 o le faavae sa tuuina atu i le Failautusi o le Initeria e tatau ona faamaonia e ia, ma toe tuuina atu i le konekeresi mo la latou taliaina poo le teena; ma*

TALUAI, *ua tusa ma le 9 masina talu mai ona tuuina atu ā tatou suiga i le Matagaluega o le Initeria. O lenei iugafono e talosagaina ai Kovana Lemanu Peleti Mauga e faafesiligia le Failautusi o le Initeria ia Deb Haaland lana faamaoniga poo le teena o tatou Suiga o le Faavae. O lenei iugafono e talosagaina ai Kovana Lemanu ina ia unaia lenei mataupu ma talosagaina le Failautusi ia Haaland mo le faamaonia o tatou Suiga o le Faavae. O lenei iugafono e talosaga ai Kovana Lemanu ina ia saili atu i le Konekeresi mo le faamaonia o ā tatou suiga o le faavae, ma faatagaina mai tatou ia mafai ona faia a tatou lava filifiliga, o le soifua tutoatasi, ma le faatinoaina o tatou lava mana'oga. Ua 124 tausaga talu ona faatuatuaaina o le Iunaite Setete e o tatou augatamā e sainia o le Feagaiga*

o le Tuuina atu, e faataga ai le auai o le Iunaitē Setete i lo tatou itulaga. Ua tatau ona oo nei i le taimi e faataga ai tatou lava ia e faia faaiuga e manuia ai lo tatou teritori ma ona tagata.

***O LENEI, O LE MEA LEA, IA FAAIUGAFONOINA AI E LE MAOTA MAUALUGA
O LE TERITORI O AMERIKA SAMOA:***

E FAAPEA, o le Senate a Amerika Samoa, mo ia lava ma fai ia ma sui o tagata o le Teritori, e fautuaina Kovana Lemanu P.S. Mauga e tulituliloa vave le Konekeresi ma talosagaina le faamaonia o tatou suiga o le faavae; ma

IA TOE FAAIUGAFONOINA FO'I e talosagaina ma le faaaloalo le Peresetene o le Senate, Afioga Tualo Manuia Fruean, poo sona sui faatagaina e tauaaoina atu lenēi Iugafono a le Senate i le Afioga i le Kovana ia Lemanu ma le Malo o Amerika Samoa.



TUALO MANAIA E. FRUEAN
Peresetene, Maota Mauuluga