



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

ORDER NO. 3009

Subject: Elected Governor and Lieutenant Governor of American Samoa

Sec. 1 Purpose. The purpose of this order is to provide for an elected Governor and Lieutenant Governor in American Samoa and to create the Government Comptroller for American Samoa in the Office of the Secretary of Interior. The electorate of American Samoa in an official referendum of August 31, 1976, voted by 3044 affirmative votes to 1366 negative votes to elect the Governor and Lieutenant Governor by popular vote. Subsequently, the Legislature of American Samoa on March 28, 1977, in Special Session enacted enabling legislation to provide procedures for an elective local Governor and Lieutenant Governor. Approved by the Governor of American Samoa, as P.L. 15-23 on May 16, 1977, this law officially requested the Secretary of Interior to provide through the issuance of a Secretarial Order authority for the popular election of the Governor and Lieutenant Governor.

Sec. 2 Election of Governor and Lieutenant Governor. In accordance, therefore, with the expressed wishes of the electorate and the subsequent action of the Legislature of American Samoa, Article IV of the Revised Constitution of American Samoa is hereby revised to provide as follows:

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

Sec. 3 Creation of the Office of Government Comptroller. There is hereby created in the Office of the Secretary of Interior the Office of Government Comptroller for American Samoa. The Government Comptroller for American Samoa shall report to the Secretary of Interior and have such additional staff as the Secretary deems appropriate for him to discharge his duties, responsibilities and functions.

(a) The principal responsibility of the Government Comptroller for American Samoa shall be to perform specific and comprehensive audits of all activities, entities, and branches of the Government of American Samoa. These audits shall include but not be limited to financial, compliance, management, organization and program reviews. In addition, other types of audits shall be made as appropriate at the request of the Secretary of Interior. All transactions of the Government of American Samoa shall be audited in accordance with the U.S. Comptroller General's "Standards for Audit of Governmental Organizations, Programs, Activities and Functions." The Government Comptroller for American Samoa shall

make audit reports which will be addressed to the Governor of American Samoa. A copy of all reports will be sent to the Secretary of Interior, and by him to the appropriate Committees of the U.S. Congress. The Governor of American Samoa shall respond in writing to the findings reported by the Government Comptroller for American Samoa within forty five (45) days from the date of each report and shall indicate what actions will be taken to correct the deficiencies noted and to comply with the recommendations contained therein.

(b) If the Government Comptroller for American Samoa finds that an expenditure is irregular or not pursuant to law, he may take an exception against the certifying officer. The certifying officer will be responsible for clearing the exception by recovering the expenditure or taking appropriate actions. It is required that all certifying officers be bonded and that no bond be released until all exceptions are cleared. Any exceptions deemed necessary by the Government Comptroller to be brought to the attention of the Secretary shall also be brought to the attention of the Chairman of the appropriate Committees of the Congress.

(c) An audit decision by the Government Comptroller for American Samoa may, within six months from the date thereof, be appealed to the Secretary of Interior by the party aggrieved or the head of the department or office concerned. Such appeal must be in writing and shall set forth the particular action of the Government Comptroller for American Samoa to which exception is taken, together with the reasons and authorities relied upon for reversing such decision. The decision of the Secretary of Interior on such appeal shall be final. The decision of the Secretary shall, if possible, be made within ninety (90) days from the date the appeal is received.

(d) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the Government Comptroller for American Samoa shall submit to the Governor of American Samoa, and to the Secretary of Interior an annual report of the fiscal condition of the government showing the receipts and disbursements of the various departments and agencies of the government together with his comments and recommendations. The Secretary shall submit such report, along with the Secretary's comments and recommendations, to the appropriate Committees of the U.S. Congress. Interim audits may be performed quarterly so as to complete the annual audit and report on a timely basis and to provide for the early identification of major problem areas.

(e) The Government Comptroller for American Samoa is authorized to communicate directly with any person or with any department officer or person having official relation with his office, and he may summon witnesses and administer oaths.

(f) All departments, agencies, and establishments shall furnish to the Government Comptroller for American Samoa such information regarding

the powers, duties, activities, organizations, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the Government Comptroller for American Samoa or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department, agency or establishment.

(g) In addition to his other duties, the Government Comptroller for American Samoa shall, upon request of the Governor, provide advice and assistance to the Governor, particularly in the area of financial matters of Federal interest.

Sec. 4 Amendment of Secretary Order No. 2657. Section 3 of Secretary Order No. 2657, as amended, dealing with executive authority of the Government of American Samoa, is hereby superseded.

Sec. 5 Ultimate Responsibility of the Secretary. Until the Congress of the United States provides further for the civil government of American Samoa, the President of the United States, through the Secretary of Interior, has the ultimate responsibility for the administration of the Territory of American Samoa.

Sec. 6 Effective Date. This Order is effective immediately. Its provisions shall remain in effect until amended, superseded or revoked, whichever occurs first.

Date: September 13, 1977

James A. Joseph
ACTING SECRETARY



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

ORDER NO. 3009, Amendment No. 1

Subject: Elected Governor and Lieutenant Governor of American Samoa

By Senate Concurrent Resolution No. 47 of September 23, 1977, the Legislature of American Samoa requested the Secretary to amend Order No. 3009 to provide therein that the Attorney General of the territory of American Samoa shall be selected and appointed by the Secretary of the Interior and confirmed by the Legislature of American Samoa under the provisions of 3 ASC 12 (c) (§1 of P.L. 15-23). Therefore, a new Section 4 is added to Order No. 3009 to read as follows:

Sec. 4 Attorney General of American Samoa.

(a) The Attorney General of American Samoa shall be appointed by the Secretary of the Interior. Such appointment shall be effective from and after the date specified in the instrument of appointment, and shall continue at the pleasure of the Secretary of the Interior, provided, however, that such appointment shall be submitted to the Legislature of American Samoa if in session, and if not in session at the next regular session for confirmation by a majority vote of each house. If not confirmed by the end of the regular session next following the date of appointment, the appointment shall terminate 30-days thereafter. Vacancies, including vacancies caused by failure of confirmation shall be filled in like manner as original appointment.

(b) The Attorney General shall have the duties prescribed by the laws of American Samoa. With respect to such duties, the Attorney General shall be under the general supervision and control of the Governor as provided in Article IV, Section 7, Constitution of American Samoa.

(c) The Attorney General shall also have duties as prescribed in this order, and otherwise as may be assigned to him by the Secretary of the Interior from time to time. In the case of any conflict or inconsistency between his duties under the laws of American Samoa and his duties to the Secretary of the Interior, the Attorney General shall have the privilege of disqualifying himself from any matter or subject in such manner as to leave intact the primacy of his responsibilities to the Secretary of the Interior.

(d) The Attorney General shall be furnished with a copy of each bill enacted by the Legislature of American Samoa, and he shall be empowered to comment thereon to the Governor on behalf of the Secretary of the Interior, provided, however, that such comment

shall be clearly identified as being on behalf of the Secretary of the Interior, otherwise it shall be deemed to be a recommendation to the Governor under his duties under subsection (b) above.

(e) The compensation of the Attorney General shall be as provided by the Legislature of American Samoa, but not less than the salary prescribed from time to time for the Lieutenant Governor. If the Attorney General is not an American Samoan or a permanent resident of American Samoa, he or she shall be treated as nearly as may be as a contract employee of the Government of American Samoa, with respect particularly to housing entitlement, medical services, annual leave accrual, and such other benefits as may be made available to contract employees, and shall receive an increment to the legislatively prescribed salary of 25%.

With the addition of this amendment, former Sections 4 through 6 are renumbered Section 5 through 7, respectively.

A further amendment is made to Order No. 3009 in Section 2, Election of Governor and Lieutenant Governor as follows: Line 6 of Section 2 is amended to read as follows:

shall, commencing with the first Tuesday following the first Monday, November 1977.

The amended section, therefore will read as follows:

"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".

Effective Date. This Order shall be effective as of November 3, 1977. Its provisions shall remain in effect until amended, superseded, or revoked, whichever occurs first.

Date: 11-3-77


SECRETARY

Prepared for publication in the Federal Register.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Order No. 3009, Amendment No. 2

Subject: Elected Governor and Lieutenant Governor of
American Samoa

By Senate Concurrent Resolution No. 73 of March 31, 1978, the Legislature of American Samoa requested the Secretary to amend Order No. 3009 to provide that the Attorney General be selected and appointed as prescribed in the laws of American Samoa, i.e., appointed by the Governor and subject to confirmation by the Legislature (3 ASC 12 (c) (§ 1 of P.L. 15-23). Therefore, Section 4, Attorney General of American Samoa, of Secretary's Order No. 3009, as added by Amendment No. 1 dated November 3, 1977, is rescinded.

Effective date. This Amendment is effective immediately. Its provisions will remain in effect until amended, superseded, or revoked, whichever occurs first.

Acting SECRETARY OF THE INTERIOR

Date: JUN 27 1978

Prepared for publication in the Federal Register.