

**39th LEGISLATURE
1ST REGULAR SESSION**

**S.B. NO. 39-08
IN THE SENATE**

11 MARCH 2025

INTRODUCED BY: Rep. Togiola T.A. Tulafono, D-5


REFERRED TO COMMITTEE ON:

SUBJECT: EXECUTIVE – IMPEACHMENT

SUMMARY:

This bill aims to ensure the integrity and accountability of public officials by providing precise and comprehensive language in the provisions governing impeachment, thereby upholding public trust and maintaining the rule of law.

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	WITHDRAWN			

S.B. NO. 39-08
INTRODUCED BY: 

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A BILL FOR AN ACT ENTITLED: “AN ACT TO ENSURE THE INTEGRITY AND ACCOUNTABILITY OF PUBLIC OFFICIALS BY PROVIDING PRECISE AND COMPREHENSIVE LANGUAGE IN THE PROVISIONS GOVERNING IMPEACHMENT, THEREBY UPHOLDING PUBLIC TRUST AND MAINTAINING THE RULE OF LAW, AMENDING SECTION 4.0109, A.S.C.A.”

Preamble:

WHEREAS, Public officials hold positions of significant authority and responsibility, and their actions directly impact the welfare of the people and the functioning of government; and

WHEREAS, the impeachment process of the Governor and Lt. Governor is a critical safeguard to address instances of malfeasance, corruption, or gross misconduct in office and must be outlined with clarity to avoid ambiguity or misuse; and

WHEREAS, malfeasance in office is defined as the intentional performance of an unlawful, wrongful, or dishonest act by a public official while carrying out their duties, which undermines public trust and violates their responsibility to act in the best interest of the people; and

WHEREAS, well-defined language in impeachment laws ensures that the process is carried out fairly, transparently, and in accordance with constitutional principles, protecting both the rights of the accused and the interests of the public; and

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WHEREAS, in American Samoa, the principles of accountability and respect are deeply rooted in the culture and governance, highlighting the significance of ethical leadership and our community’s well-being; and

WHEREAS, ensuring clear grounds and procedures for impeachment aligns with the Samoan tradition of holding leaders accountable while fostering transparency and unity, preserving the trust and respect between leaders and the people they serve. This is evident not only in government but also in families, villages, and churches; and

WHEREAS, this amendment to add language to the impeachment statutes will safeguard the dignity and honor of our leadership and reinforce the foundational values of mutual respect, service, and integrity. A robust impeachment law reflects a government’s commitment to ethical leadership, justice, and the principles of good governance, reinforcing public confidence in the democratic process.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. Section 4.0109 is amended to read as follows:

“4.0109 Impeachment.

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

(b)The Governor or Lieutenant Governor can be impeached for malfeasance in office, corruption, dereliction of duty, or other high crimes and misdemeanors

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

4 ~~(e)~~(d)The House of Representatives has the sole power to bring articles of
5 impeachment upon a vote of at least 2/3 of the entire membership. The Senate has
6 the sole power to try impeachment, with the Chief Justice presiding, and may not
7 convict unless at least 2/3 of the entire membership concur. The members when
8 sitting for that purpose shall be on oath or affirmation.

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

13 ~~(e)~~(f)At the appropriate time and in the appropriate manner, this section or its
14 substance should be considered as a Constitutional Amendment to the Revised
15 Constitution of American Samoa.

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NOFOA'IGA TOLUSEFULU-IVA
FONO TELE MUAMUA

PMM NU. 39-08
I LE MAOTA MAUALUGA

11 MARCH 2025

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

TU'UINA ATU I LE KOMITI:

MATA'UPU:
FAAMALOSI TULAFONO – O LE FAATULA'IESEINA

'OTO'OTOGA:

O lenei pili o le faamautinoaina lea o le talitonuina ma le faamaoni o le tali atu a le 'aumautofi o le malo e ala i se gagana manino ma le malamalama i aiaiga e pulea ai le fa'atula'ieseina, ina ia faatumauina ai le faatuatuaga o tagata lautele ma le tausia lelei o le pule a le tulafono.

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

1 P.M.M. NU. 39-08

2 FAAULUFALEINA E: 

3
4 O SE PILI MO SE TULAFONO UA FAAIGOAINA: “O SE TULAFONO E
5 FAAMAUTINOA AI LE TALITONUINA MA LE FAAMAONI O LE TALI ATU A
6 TAGATA MAUTOFI O LE MALO E ALA I SE GAGANA MANINO MA LE
7 MALAMALAMA I AIAIGA O LE FAATULAIESE, INA IA FAATUMAUINA AI LE
8 FAATUATUAGA O TAGATA LAUTELE MA LE TAUSIA AI PEA O LE PULE A LE
9 TULAFONO, SUIA AI MAGA 4.0109, T.T.A.S.”

10
11 Faatomuaga:

12 TALUAI, o tagata maufi lautele latou te umia le pule ma matāfaioi, ma o a latou
13 galuega e a’afia tonu ai le soifua manuia o tagata ma le faagaoioia o le
14 malo; ma

15
16 TALUAI, o le faagasologa o le faatula’i ese o le Kovana ma le Lutena Kovana o se
17 puipuiga malu lea e faatalanoa ai ni faiga sesē ma le lē talafeagai, po o ni
18 amioga mataga ma le faaoga sesē o le pule i le tauavea o le tofi, ma e tatau
19 lava ona faatulaga ia manino lelei ina ia vaōia ai le ono faaluafesasi poo le
20 fa’aaogā sesē; ma

21
22 TALUAI, o faiga lē talafeagai i le tauavea o le ofisa e faauigaina o se faatinoga e faia
23 ma le iloa o se solitulafono, o ni amio sesē po o ni faiga lē faamaoni e se
24 tagata maufi a o tauaveina ona tiute, e tanumia ai le faatuatuaga lautele
25 ma solia ai la latou matāfaioi faatino mo le manuia o tagata; ma

26
27 TALUAI, o le manino lelei o le gagana o tulafono o le faatula’i’ese, e maufino lelei
28 ai o loo talafeagai lelei le faagāsologa, fa’amanino lelei, ma ia tusa ai ma

1 manatu tausili o le faavae, puipuia o aiā-tatau o Le ua tu'uā'ina atoa foi ma
2 tagata lautele; ma

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4 TALUAI, i Amerika Samoa, o manatu tausili o le faamaoni ma le faaaloalo e maua'a
5 lea i le aganuu ma pulega, faamatamata tetele ai le taua o le faatinoga o
6 tofi o ta'ita'i ma le ola manuia o tatou tagata; ma

7

8 TALUAI, o le mautinoa o mafuaaga ma faagasologa mo le faatulai ese e ōgatasi ma tu
9 ma aga a Samoa o le vaaia lea o loo fai le galuega a ta'ita'i a o
10 faamalamalama le faia o galuega ma le tutū faatasi, ia aputiputi ai pea le
11 faatuatuaina ma le fefaaaloaloa'i i le va o ta'ita'i ma tagata o loo latou
12 tautuaina. Ua iloga lea, e lē gata i totonu o le faigāmalo ae faapena foi i
13 aiga, nu'u, ma ekalesia; ma

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15 TALUAI, o lenei suiga e faaopopo le gagana i le faatula'i ese o le a malu puipuia ai
16 le mamalu ma le faaaloalogia o tatou ta'ita'i ma faamalosia ai le faavae o
17 manatu tausili o le feavata'i, o le tautua, ma le faamaoni. O se tulafono
18 malosi o le faatula'i ese e atagia ai le gaua'i atu o le malo i taita'iga lelei ma
19 faamasinoga tonu, ma manatu tausili o pulega lelei, e faamalosia ai le
20 talitonuina e tagata lautele i faiga faatemokarasi.

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22 IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

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24 Maga 1. 4.0109 ua suia nei e faitauina faapea:

25 "4.0109 O le Faate'aina.

26 (a) O le Kovana, ma le Kovana Lutena, e mafai ona suesue mo le
27 faatulaieseina, ma afai faamaonia tuua'iga, o le a faatulaiese mai le ofisa.

1 (e) E mafai ona faatulai o le Kovana poo le Lutena Kovana ona o se gaoioiga
2 solitulafono ua faia i le tauaveina o ona tiute, le faamaoni, le faia ona tiute e tatau ai poo
3 isi lava solitulafono mamafa pe mama foi.

4 (ē)(i) O le Fono Faitulafono e saunia le faatulagaga, tualumaga, ma mafuaaga mo
5 le faatulaieseina e aofia ai le tausalaina i se solitulafono mamafa se amio ua mafua ai ona
6 fa'aogaina sese le malos, e pei ona faauigaina e le tulafono.

7 (ì)(o) O le Maota o Sui e i ai le malos e faatulagaina ni mea ua iloa ua tatau ai le
8 faatulaiese i se palota ia le itiiti i le 2/3 o le totino atoa o le Maota. O le Maota Maua
9 e iai le malos e suesue ai le faatulaiese e ta'ita'ia e le Faamasino Sili, ma e le mafai ona
10 ta'usalaina vagana ua malilie faatasi iai le 2/3 o totino o le Maota. O totino uma e auai i
11 le suesuega, e faamaonia i le faatautoina.

12 (ū)(u) O le ta'usalaina e oo atu lona malos tau lava o le aveeseina mai le tofiga ma
13 le le toe agavaa e umia ma galue i so o se tofiga taualoa, fa'aaloologia, pe maua ai se tupe
14 faasili i le Teritori. O le tagata suesueina, pe ta'usalaina pe tauamionuina, e mafai foi
15 ona ona faamasinoina i lalo o le tulafono.

16 (ʻ)(f) I le taimi ma i le tulaga tatau, o leni maga poo lona faamatalaga e ao ina
17 taua o se Suiga o le Faavae Toeteuteuina o Amerika Samoa.”

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19 Maga 2. Aso e taualoaina ai.

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

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