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EXECUTIVE ORDER No.: 003-2009

**AN ORDER CREATING THE ECONOMIC STIMULUS AND RECOVERY OFFICE,
PROVIDING FOR ITS DUTIES AND RESPONSIBILITIES, FUNCTIONS AND
POWERS.**

Preamble.

Whereas, on February 17, 2009, President Barack H. Obama signed Public Law 111-5, the American Recovery and Reinvestment Act (ARRA) of 2009; and

Whereas, the ARRA contained \$787 billion, the intent of which is to revive the American economy and save millions of jobs; and

Whereas, American Samoa as part of the ARRA stands to receive a substantial amount of federal moneys; and

Whereas, the American Samoa Government endeavors to receive and expend these federal dollars as expeditiously as possible, observing high standards of transparency and accountability in line with Office of Management and Budget guidelines, and in accordance with President Obama's vision.

Now, Therefore, I, Governor Togiola T.A. Tulafono, by the powers vested in me by the Revised Constitution of American Samoa, herewith execute this Executive Order establishing the Economic Stimulus and Recovery Office, and provide for its duties, responsibilities, functions and powers on this 6th day of March, in this Year of our Lord, 2009.

Section 1: Authority

This Executive Order is issued under the authority granted to the Governor in Article IV, Section 6 and Section 7, American Samoa Revised Constitution and the American Samoa Code Annotated, §4.0111.

Section 2: Purpose

The purpose of this Order is to establish the American Samoa Office of Economic Stimulus and Recovery. Set forth herein shall be the duties and responsibilities of the office, as well as the general powers and functions thereof.

Section 3. Duties and Responsibilities

The American Samoa Economic Stimulus and Recovery Office shall discharge and assume the following duties and responsibilities:

- A. To maximize the Territory's use of available stimulus funds for American Samoa pursuant to the ARRA.
- B. Track all federal dollars received by American Samoa under the ARRA, and account for said dollars regardless of the entity receiving the funds.
- C. To coordinate all Territory-wide and local projects and programs to be funded using ARRA money, including projects and programs administered by private sector and non-profit organizations.
- D. Communicate with federal and Territorial agencies, as well as administration officials regarding ARRA funding for local projects and programs.
- E. To monitor and assure compliance with reporting, expenditure, eligibility requirements, certifications and assurances as well as any other requirements pursuant to the use of ARRA funds in American Samoa.
- F. To make recommendations to the Governor regarding proposed additional framework required, statutory, regulatory or otherwise, which will aid the Economic Stimulus and Recovery Office in carrying out their duties and functions with respect to the efficient release and use of ARRA funds available to the Territory.
- G. Develop and implement process by which American Samoa may comply with the spirit of transparency and the strictures of accountability as noted in the ARRA, using all conventional means as well as technological means, such as Internet.

Section 4: Powers and Functions

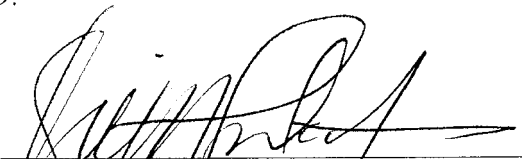
- A. The Economic Stimulus and Recovery Office shall be an agency within the Governor's Office.
- B. An Executive Director appointed by the Governor shall head the Economic Stimulus and Recovery Office. The Executive Director shall submit to the Governor and the Fono, where appropriate, an operating budget, which shall include personnel and other line items, required in order to provide for office operations.
- C. The Executive Director shall liaise with federal agencies and local departments in order to maximize the Territory's use of available funds pursuant to ARRA.
- D. The Executive Director shall coordinate all certifications and assurances required by federal agencies, as well as all other requirements pursuant to ARRA regarding eligibility of the American Samoa Government or any other local entity for ARRA funding.

- E. The Economic Stimulus and Recovery Office shall coordinate with all Territorial recipients of funding to provide maximum accountability and transparency in the expenditure of all ARRA funding. This includes meeting deadlines for reports and meeting all compliance measures implemented by the federal government with regard to the use of ARRA funds.
- F. The Economic Stimulus and Recovery Office shall coordinate with the Treasury Department to assure full and accurate accounting of all ARRA funding for projects and programs.
- G. The Economic Stimulus and Recovery Office shall comply with all Territorial statutes and rules regarding hiring and procurement.
- H. The Economic Stimulus and Recovery Office shall provide periodic reports to the Governor and the Fono, where appropriate, regarding the status of ARRA funding, inclusive of Territorial and other non-federal money.
- I. The Attorney General shall provide legal counsel to the Economic Stimulus and Recovery Office, as necessary.
- J. Nothing in this Order shall impair statutory or regulatory duties of departments and agencies of the American Samoa Government.

Section 5: Effective Date

This order shall take effect immediately.

Dated: March 6th, 2009.



TOGIOLA T.A. TULAFONO
Governor of American Samoa

cc: Per Standard List