

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4711

To establish a Federal District Court of American Samoa.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2006

Mr. FALEOMAVAEGA introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To establish a Federal District Court of American Samoa.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal District Court  
5 of American Samoa Act of 2006”.

6 **SEC. 2. FEDERAL DISTRICT COURT FOR AMERICAN SAMOA.**

7       (a) ESTABLISHMENT.—There is established for and  
8 within American Samoa a court of record to be known as  
9 the Federal District Court of American Samoa. Terms of  
10 court shall be held on Tutuila and at such other places  
11 in American Samoa and at such times as the court may  
12 designate by rule or order.

1 (b) JURISDICTION OF THE FEDERAL DISTRICT  
2 COURT.—The jurisdiction of the Federal District Court  
3 of American Samoa shall, to the extent that the Constitu-  
4 tion and laws of the United States apply to American  
5 Samoa, be limited to the jurisdiction of a district court  
6 of the United States and that of a bankruptcy court of  
7 the United States, except that—

8 (1) the Federal District Court shall in no case  
9 have jurisdiction of a case or proceeding that puts  
10 in issue the tenure to any communal lands located  
11 in American Samoa, or any matter pertaining to the  
12 adjudication of traditional chieftain or matai titles;  
13 and

14 (2) the Federal District Court and the High  
15 Court of American Samoa shall have concurrent ju-  
16 risdiction over cases involving the interpretation of—

17 (A) the 1900 Treaty or Deed of Cession  
18 between the Islands of Tutuila and Aunu'u and  
19 the United States, and the 1904 Treaty or  
20 Deed of Cession between Manu'a Islands and  
21 the United States; and

22 (B) the 1967 Revised Constitution of  
23 American Samoa, and any amendments thereto.

24 (c) RELATIONSHIP BETWEEN COURTS OF UNITED  
25 STATES AND COURTS OF AMERICAN SAMOA.—The rela-

1 tions between the courts established by the Constitution  
2 or laws of the United States and the courts of American  
3 Samoa with respect to appeals, certiorari, removal of  
4 causes, the issuance of writs of habeas corpus, and other  
5 matters or proceedings shall be governed by the laws of  
6 the United States pertaining to the relations between the  
7 courts of the United States, including the Supreme Court  
8 of the United States, and the courts of the several States  
9 in such matters and proceedings.

10 **SEC. 3. APPOINTMENT OF JUDGE, U.S. ATTORNEY, AND U.S.**  
11 **MARSHAL.**

12 (a) **APPOINTMENT OF JUDGE.**—The President shall,  
13 by and with the advice and consent of the Senate, appoint  
14 a judge for the Federal District Court of American  
15 Samoa, who shall hold office for the term of 10 years and  
16 until his or her successor is chosen and qualified, unless  
17 sooner removed by the President for cause. The judge  
18 shall receive a salary payable by the United States which  
19 shall be at the rate prescribed for judges of the United  
20 States district courts.

21 (b) **TEMPORARY ASSIGNMENTS.**—The Chief Judge of  
22 the Ninth Judicial Circuit of the United States may assign  
23 a judge of a local court of record in American Samoa, a  
24 circuit or district judge of the ninth judicial circuit, or a  
25 recalled senior judge of the United States District Court

1 for the District of Hawaii, or the Chief Justice of the  
2 United States may assign any other United States circuit  
3 or district judge, with the consent of the judge so assigned  
4 and of the chief judge of that circuit, to serve temporarily  
5 as a judge in the Federal District Court of American  
6 Samoa whenever such an assignment is for the proper con-  
7 duct, administration, and necessary business of the court.

8 (c) U.S. ATTORNEY AND U.S. MARSHAL.—The  
9 President shall appoint, by and with the advice and con-  
10 sent of the Senate, a United States attorney and United  
11 States marshal for American Samoa to whose offices the  
12 provisions of chapters 35 and 37 of title 28, United States  
13 Code, respectively, shall apply.

14 **SEC. 4. RULES OF PRACTICE AND PROCEDURE.**

15 Where appropriate, the rules of practice and proce-  
16 dure promulgated and made effective by the Congress or  
17 the Supreme Court of the United States pursuant to titles  
18 11, 18, and 28, United States Code, shall apply to the  
19 Federal District Court of American Samoa and appeals  
20 therefrom; except that the terms “Attorney for the govern-  
21 ment” and “United States Attorney,” as used in the Fed-  
22 eral Rules of Criminal Procedure, shall, when applicable,  
23 include the Attorney General of American Samoa or such  
24 other person or persons as may be authorized by the laws  
25 of American Samoa to act therein.

1 **SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) APPEALS.—The item relating to the Ninth Cir-  
3 cuit in the table contained in section 41 of title 28, United  
4 States Code, is amended by inserting “American Samoa,”  
5 after “Guam,”.

6 (b) RETIREMENT AND SURVIVORS’ ANNUITIES.—

7 (1) RETIREMENT.—Section 373 of title 28,  
8 United States Code, is amended in subsections (a)  
9 and (e) by inserting “, the Federal District Court of  
10 American Samoa,” after “the District Court of  
11 Guam,”.

12 (2) SURVIVORS’ ANNUITIES.—Section 376(a) of  
13 title 28, United States Code, is amended in para-  
14 graphs (1)(B) and (2)(B) by inserting “the Federal  
15 District Court of American Samoa,” after “the Dis-  
16 trict Court of Guam,”.

17 (c) U.S. TRUSTEE.—Section 581(a)(15) of title 28,  
18 United States Code, is amended by inserting “, American  
19 Samoa,” after “Guam”.

20 (d) COURTS DEFINED.—Section 610 of title 28,  
21 United States Code, is amended by striking “the United  
22 States District Court for the District of the Canal Zone”  
23 and inserting “the Federal District Court of American  
24 Samoa”.

25 (e) MAGISTRATE JUDGES.—Section 631(a) of title  
26 28, United States Code, is amended—

1           (1) in the first sentence, by inserting “, the  
2           Federal District Court of American Samoa,” after  
3           “United States district court”; and

4           (2) in the second sentence, by inserting “Amer-  
5           ican Samoa,” after “Guam,”.

6           (f) COURT REPORTERS.—The first paragraph of sec-  
7           tion 753(a) of title 28, United States Code, is amended—

8           (1) by striking “the United States District  
9           Court for the District of the Canal Zone,”; and

10           (2) by inserting “the Federal District Court of  
11           American Samoa,” after “the District Court of  
12           Guam,”.

13           (g) COURTS OF APPEALS.—Section 1291 of title 28,  
14           United States Code, is amended—

15           (1) by striking “, the United States District  
16           Court for the District of the Canal Zone,”; and

17           (2) by inserting “the Federal District Court of  
18           American Samoa,” after “the District Court of  
19           Guam,”.

20           (h) INTERLOCUTORY DECISIONS.—Section 1292 of  
21           title 28, United States Code, is amended—

22           (1) in subsection (a)(1)—

23                   (A) by striking “the United States District  
24                   Court for the District of the Canal Zone,”; and

1 (B) by inserting “the Federal District  
2 Court of American Samoa,” after “the District  
3 Court of Guam,”; and

4 (2) in subsection (d)(4)(A), by inserting “the  
5 Federal District Court of American Samoa,” after  
6 “the District Court of Guam,”.

7 (i) CIRCUITS IN WHICH DECISIONS REVIEWABLE.—  
8 Section 1294 of title 28, United States Code, is amend-  
9 ed—

10 (1) by striking paragraph (2) and redesignating  
11 paragraphs (3) and (4) as paragraphs (2) and (3),  
12 respectively; and

13 (2) in paragraph (3), as so redesignated, by in-  
14 serting “or the Federal District Court of American  
15 Samoa” after “Guam”.

16 (j) COURT OF APPEALS FOR THE FEDERAL CIR-  
17 CUIT.—Section 1295(a) of title 28, United States Code,  
18 is amended in paragraphs (1) and (2)—

19 (1) by striking “the United States District  
20 Court for the District of the Canal Zone”; and

21 (2) by inserting “the Federal District Court of  
22 American Samoa,” after “the District Court of  
23 Guam,”.

24 (k) REPRESENTATION OF CERTAIN DEFENDANTS.—  
25 Section 3006A(j) of title 18, United States Code, is

1 amended by inserting “the Federal District Court of  
2 American Samoa,” after “the District Court of the North-  
3 ern Mariana Islands,”.

4 **SEC. 6. DEFINITION.**

5 For purposes of this Act, the term “American  
6 Samoa” includes Swains Island and Rose Island.

7 **SEC. 7. EFFECTIVE DATE.**

8 This Act and the amendments made by this Act shall  
9 take effect at the end of the 90-day period beginning on  
10 the date of the enactment of this Act.

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