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GOVERNOR

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LIEUTENANT GOVERNOR

## **EXECUTIVE ORDER 003- 2021**

### **AN ORDER TO ESTABLISH THE AMERICAN RESCUE PLAN ACT OVERSIGHT OFFICE**

#### **Section 1: Authority**

This executive order is hereby issued in accordance with the powers and authority granted to the Governor by Article IV, Sections 6 and 7 of the Revised Constitution of American Samoa, and the American Samoa Code Annotated, Section 4.0111 (b).

#### **Section 2: Preamble**

**WHEREAS**, the American Rescue Plan Act of 2021 (ARPA) was signed into law by President Biden on March 11, 2021; and

**WHEREAS**, ARPA includes \$1.9 trillion in funds to support the economic recovery of the country as a result of the difficulties of the COVID-19 pandemic; and

**WHEREAS**, American Samoa has received a significant amount of funds as a result of ARPA to support local programs and recovery; and

**WHEREAS**, the American Samoa needs to ensure proper administration, oversight, and transparency in the use of these funds, it is necessary to create an office dedicated to this purpose.

**NOW THEREFORE, I, LEMANU P. S. MAUGA**, Governor of American Samoa, by virtue of the authority vested in me by the Revised Constitution of American Samoa and the American Samoa Code Annotated, sections 4.0111 and 4.0302(a), hereby execute this order.

#### **Section 3: Order**

The American Rescue Plan Act Oversight Office (ARPA Office) is established within the Executive Branch of the American Samoa Government. The ARPA Office will fall under the Office of the Governor. The ARPA Office will be led by an Executive Director who will be appointed by the Governor.

#### **Section 4: Duties and Responsibilities**

The ARPA 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 ARPA.
- (b) Track all federal dollars received by American Samoa under ARPA 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 ARPA money, including projects and programs administered by private sector and non-profit organizations as applicable.
- (d) Communicate with federal and Territorial agencies, as well as administration officials, regarding ARPA 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 ARPA funds in American Samoa.
- (f) To make recommendations to the Governor regarding proposed additional framework required, statutory, regulatory or otherwise, which will aid the ARPA Office in carrying out their duties and functions with respect to the efficient release and use of ARPA funds available to the Territory.
- (g) Develop and implement processes by which American Samoa may comply with the spirit of transparency and the strictures of accountability required by ARPA, using all conventional as well as technological means.

**Section 5: Powers and Functions**

- (a) The Office shall be an agency within the Office of the Governor.
- (b) An Executive Officer shall, appointed by the Governor, shall head the ARPA 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 favorable use of available funds pursuant to ARPA.
- (d) The Executive Director shall coordinate all certifications and assurances required by federal agencies, as well as all other requirements pursuant to ARPA regarding eligibility of the American Samoa Government or any other local entity for ARPA funding.

- (e) The ARPA Office shall coordinate with all Territorial recipients of funding to provide maximum accountability and transparency in the expenditure of all ARPA funding. This includes meeting deadlines for reports and meeting all compliance measures implemented by the federal government with regard to use of ARPA funds.
- (f) The ARPA Office shall coordinate with the Treasury Department to assure full and accurate accounting of all ARPA funding for projects and programs.
- (g) The ARPA Office shall comply with all Territorial statutes and rules regarding hiring and procurement.
- (h) The ARPA Office shall provide periodic reports to the Governor and Fono, where appropriate, regarding the status of ARPA funding, inclusive of Territorial and other non-federal money.
- (i) All agencies are required to provide information related to ARPA funds when requested to by the Executive Director.
- (j) Nothing in this order shall impair statutory or regulatory duties of departments and agencies of the American Samoa Government.


**Section 6: Repealer**

Executive Orders 003-2009 and 001-2013 are repealed.

**Section 7: Effective Date**

This order shall take effect immediately and will remain in effect until December 31, 2026.

Date: 4/23/21

  
LEMANU P. S. MAUGA  
Governor of American Samoa