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GOVERNOR

OFFICE OF THE GOVERNOR
American Samoa

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May 31, 2013

EXECUTIVE ORDER NO. 012-2013

**AN ORDER TO ESTABLISH AN OFFICE OF GRANTS OVERSIGHT
AND ACCOUNTABILITY**

Section 1. Authority

This Executive Order is issued under the authority granted to the Governor in Article IV, Sections 6 and 7 of the Revised Constitution of American Samoa and the American Samoa Code Annotated Section 4.011.

Section 2. Preamble

As a result of the efforts the President and the U.S. Congress to jump-start the economy through the American Recovery and Reinvestment Act (ARRA) of 2009, the American Samoa Government (ASG) was faced with a significant amount of funding opportunities made available through a variety of federal grants.

To address the ARRA accountability and transparency requirements, the American Samoa Economic Stimulus and Recovery Office (ASESRO) was established by Executive Order 003-2009, as amended. The ASESRO mission duplicated in many respects the mission of the Office of Federal Programs (OFP), established by Executive Order 002-1995, and applicable to federal grants management across all agencies of the government. Unfortunately, however, the resources necessary to support ASESRO were the same resources that should have been supporting the OFP functions. Since the establishment of ASESRO this has resulted in the mission of the OFP not being met, and this has occurred without Executive Order 002-1995 having been revised or rescinded.

The requirements surrounding federal grants management and oversight and maintaining a high level of compliance have significantly evolved since 1995. It is therefore appropriate to update ASG's approach to federal grants management and oversight.

Section 3. Purpose

One of the purposes of this Executive Order is to create a centralized office to effectively manage and monitor the flow of information required under the conditions of grant funding received across all agencies of government. This office will coordinate the efforts of the various government agencies in obtaining and managing federal grants and assure timely meeting of grant conditions and provide transparency and accountability.

American Samoa recognizes the need to revive its economy. Another purpose of this office will be to take the lead in identifying and applying for grants for which the government may be eligible but has not previously applied.

Because federal grants management is dynamic in nature, this office will also periodically review the government's current system of grants management with a view to enhancing efficiencies by applying best practices and thereby find potential for greater positive impacts on the community from available grant funds.

Identifying additional federal funds and improving the efficiency of existing federally-funded expenditures translate into creating more jobs and enhancing the lives of the people of American Samoa.

Finally, this office will serve a pro-active function in putting in place processes and procedures that will mitigate against potential future findings of grantee agencies being determined as high risk by their federal awarding agencies.

Section 4. Establishment of the Office of Grants Oversight and Accountability

- a. **Establishment:** There is hereby established, as part of the Office of the Governor, the Office of Grants Oversight and Accountability. This office shall serve as an oversight point of contact to nurture relationships with the federal government and potential grant funding sources.
- b. **Staff:** The office shall be headed by an administrator who is appointed by and serves at the pleasure of Governor, who shall be knowledgeable in grants administration and in working with the U.S. Office of Management and Budget (OMB) and with the Federal Funding Accountability and Transparency Act of 2006 (FFATA), and shall have intensive knowledge of federal grant programs and financial management. The manager shall report directly to the Governor or his designee. The office shall employ such additional personnel as may be necessary to carry out the purposes of this Executive Order.

Section 5. General Duties, Functions and Responsibilities of the Office of Grants Oversight and Accountability

The Office of Grants Oversight and Accountability shall be responsible for the following:

- a. **Primary Functions:**

- i. Maintain basic information on grants, including developing and maintaining a database to track programmatic and financial reporting requirements of all grant activities; the database shall include, at a minimum, the subject area of the grant, the fiscal year in which the grant applies, the program title, the type of grant (e.g., formula or discretionary), the amount of the grant, the recipient department, the awarding agency, any cash in-hand or in-kind matching requirements, any special conditions, terms or restrictions, and the name, title, and contact number of all persons responsible for grant management and administration, both for ASG and for the awarding agency;
- ii. Ensure the accuracy and integrity of information uploaded to the federal System for Award Management, including its components as required by relevant U.S. OMB Circulars;
- iii. Provide training to ASG agency staff in grant development and grants management and administration, and within available resources provide technical assistance as requested to ASG agencies and other interested organizations;
- iv. Serve as the central point of contact for federal grants, disseminating grant information and training government staff about the full range of federal assistance that ASG is eligible to receive;

b. Other Duties and Responsibilities:

- i. Periodically review federal grant formula to ensure ASG receives its optimized share of funding;
- ii. Assist government and community-based organizations in identifying federal grant opportunities as well as private foundation grants;
- iii. Identify all grants that ASG is eligible to receive but has not applied for, and to determine whether ASG should submit a future application;
- iv. Identify all grants that ASG is not presently eligible to receive and could reasonably become eligible to receive, and to coordinate with the appropriate ASG agency and to the extent necessary the appropriate U.S. federal agency to secure eligibility for ASG;
- v. Coordinate ASG agency activity to identify and win competitive federal grants;
- vi. Prepare an annual report on federal grants received by ASG by grant, by fiscal year, by amount received, by amount expended from each grant, and total federal grants and grant expenditures computed on a per capita basis;
- vii. Assist small businesses in identifying federal procurement opportunities and assist individuals in identifying federal employment opportunities.

Section 6. High Risk Mitigation

From time to time one or more government agencies have been designated by federal awarding agencies as high risk. A finding of high risk is made if an awarding agency determines that a grantee or sub-grantee:

- a. Has a history of unsatisfactory performance, or
- b. Is not financially stable, or
- c. Has a management system which does not meet the management standards set forth in OMB Circular A-102, or

- d. Has not conformed to terms and conditions of previous awards, or
- e. Is otherwise not responsible; and, if the awarding agency determines that an award will be made, special conditions and restrictions, or both, shall correspond to the high risk condition and shall be included in the award.

Being in high risk status costs the government greatly as a result of the time and resources expended to remediate the high risk finding, it can impair government cash flows, and result in reduced opportunities for obtaining ongoing and future grants. Being designated as high risk is to be avoided at all costs and it shall be the responsibility of the Office of Grants Oversight and Accountability to manage the government's ongoing grants administration process in a proactive manner pursuant to the functions, duties and responsibilities set out in Section 5, above, such that the government's exposure to high risk findings is minimized.

In addition to the general functions, duties and responsibilities of the Office of Grants Oversight and Accountability, its administrator will serve as "High Risk Coordinator" for any findings of high risk status across all executive agencies of the government currently in place or to be determined in the future.

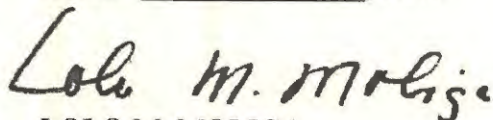
Section 7. Supersede Previous Executive Orders and General Memoranda

Executive Order 02-1995 creating the Office of Federal Programs, and Executive Order 003-2009, as amended, establishing the American Samoa Economic Stimulus and Recovery Office, are hereby rescinded. In the event any previously issued Executive Order or General Memoranda is in conflict with this Executive Order, in whole or in part, this Executive Order shall be controlling.

Section 8. Effective Date

This Executive Order is effective immediately upon signing and shall remain in effect until further order of the Governor..

Dated: May 31, 2013


LOLO M. MOLIGA