

## 27.0216 Exemptions

The provision of this chapter and the license requirements under this chapter do not apply to the following activities:

- (1) any business or trade engaged in or conducted by the government or the Government of the United States or for the sole or direct benefit of or under the direct supervision of the government;
- (2) the selling or marketing by an American Samoan agricultural producer of his own farm produce in its natural state.

If the company is coming to American Samoa exclusively for the purpose of performing work for the American Samoa Power Authority (which is a semi-autonomous government authority entity), is it exempt from the requirement to obtain a business license as business conducted “...for the sole or direct benefit of or under the direct supervision of the government” under 27.0216 ASCA? The answer is yes, it is exempt as long as the company does not expand to include non-government business.

However, the “government” exemption from the business license requirement does not exempt companies from their duty to obtain other professional and tradesmen licenses, such as a license to practice medicine or to perform carpentry, or contractor work.

ASCA §27.0201 et. Seq. requires any business, local or foreign to obtain a business license in order to conduct business in American Samoa. The only businesses exempted from the licensing requirement are those listed above under ASCA §27.0216.

However, if your company is planning to expand its services to include non-government business and the private sector in American Samoa then you will need 2 main documents: Permit to Transact a Business (PTB) as a foreign corporation; and a valid business license.

The process starts with registering as a foreign corporation, which is handled by our local Office of the Attorney General. Attached please find the checklist of requirements on how to register as a foreign corporation in American Samoa. Once this request is approved, the Governor of American Samoa will issue a PTB, which will be used to process a business license application. The contact information for the Office of the Attorney General that handles this process is as follows:

Mr. Talauega Eleasalo Ale  
Attorney General  
Department of Legal Affairs  
American Samoa Government  
Pago Pago, American Samoa 96799  
Phone: 684-633-4163  
Fax: 684-633-1838  
[eleasaloale@gmail.com](mailto:eleasaloale@gmail.com)

Secondly, once you obtain a PTB along with the attached business license application and your articles of incorporation must be submitted to the Department of Commerce (DOC) for processing and approval of a business license. In addition, a corporate structure whose majority ownership is not owned by US citizens or nationals requires the review of the Territorial Planning Commission that DOC coordinates on all applicants' behalf. In order for us to determine the company's ownership, proof of ownership (i.e. stock certificates) and proof of citizenship of shareholders need to be submitted. The following is the contact information for DOC:

