

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

# H. R. 6191

To amend the Immigration and Nationality Act to waive certain requirements for naturalization for American Samoan United States nationals to become United States citizens.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2008

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

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## A BILL

To amend the Immigration and Nationality Act to waive certain requirements for naturalization for American Samoan United States nationals to become United States citizens.

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. FINDINGS.**

4       The Congress finds the following:

5               (1) Under the Immigration and Nationality  
6       Act, persons born in Puerto Rico, Guam, the United  
7       States Virgin Islands, and the Commonwealth of the  
8       Northern Mariana Islands are citizens of the United

1 States at birth. Persons born in the United States  
2 territory of American Samoa are nationals of the  
3 United States, but not citizens, at birth.

4 (2) The term “national of the United States”  
5 is defined under the Immigration and Nationality  
6 Act to include persons who, though not citizens of  
7 the United States, owe permanent allegiance to the  
8 United States.

9 (3) For more than 100 years, American  
10 Samoans who are United States nationals have dem-  
11 onstrated their loyalty and allegiance to the United  
12 States. On April 17, 1900, the village chiefs of  
13 Tutuila ceded their islands to the United States. On  
14 July 16, 1904, the village chiefs of Manu’a did the  
15 same. On February 20, 1929, the United States  
16 ratified the Treaty of Cession of Tutuila and the  
17 Treaty of Cession of Manu’a.

18 (4) Since ratification of the Treaties of Cession,  
19 many American Samoans who are United States na-  
20 tionals have joined the United States Armed Forces  
21 and fought for the United States during World War  
22 II, the Korean, Vietnam, and Persian Gulf wars,  
23 and most recently in Iraq and Afghanistan.

24 (5) However, in order for American Samoans  
25 who are United States nationals to become United

1 States citizens, they must follow the same procedure  
2 as aliens lawfully admitted for permanent residence.  
3 This procedure requires, among other steps, an ap-  
4 plication, fingerprinting, an interview, an English  
5 language and civics examination, and participation  
6 in an oath ceremony. The procedure may take years  
7 to complete.

8 (6) Given that American Samoa's education  
9 system is structured to closely resemble that of pub-  
10 lic schools in the United States, that courses on  
11 United States history, civics, and government are  
12 thoroughly taught, that English is the language of  
13 public school instruction, and that United States na-  
14 tionals by definition owe permanent allegiance to the  
15 United States, it is in the national interest that  
16 United States nationals be allowed to become United  
17 States citizens by more expeditious means.

18 **SEC. 2. WAIVER OF CERTAIN NATURALIZATION REQUIRE-**  
19 **MENTS FOR AMERICAN SAMOAN UNITED**  
20 **STATES NATIONALS TO BECOME UNITED**  
21 **STATES CITIZENS.**

22 Chapter 2 of title III of the Immigration and Nation-  
23 ality Act is amended by inserting after section 326 (8  
24 U.S.C. 1437) the following new section:

1 **“SEC. 326A. AMERICAN SAMOAN UNITED STATES NATION-**  
2 **ALS EXCEPTED FROM CERTAIN REQUIRE-**  
3 **MENTS.**

4 “(a) IN GENERAL.—For any person who is born in  
5 American Samoa and resides continuously within Amer-  
6 ican Samoa from the date of such person’s birth up to  
7 the time of admission to citizenship, the following are  
8 waived—

9 “(1) the requirements for naturalization under  
10 section 312;

11 “(2) all the requirements as to residence and  
12 physical presence within the United States and a  
13 particular State for naturalization under section  
14 316; and

15 “(3) section 325.

16 “(b) ABSENCE FROM AMERICAN SAMOA.—Absence  
17 from American Samoa for a continuous period of more  
18 than 180 days during the period for which continuous resi-  
19 dency is required for admission to citizenship under sub-  
20 section (a) shall break the continuity of such residence,  
21 unless a person described under subsection (a) shall estab-  
22 lish to the satisfaction of the Attorney General that such  
23 person did not abandon such person’s residence in Amer-  
24 ican Samoa during such period.”.

1 **SEC. 3. CLERICAL AMENDMENT.**

2       The table of contents of the Immigration and Nation-  
3 ality Act is amended by inserting after the item relating  
4 to section 326 the following new item:

“Sec. 326A. American Samoan United States nationals excepted from certain  
requirements.”.

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