

112TH CONGRESS
2D SESSION

H. R. 4021

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2012

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

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 and Aunu’u ceded their islands to the
14 United States. On July 16, 1904, his Majesty King
15 Tuimanu’a of the Manu’a Islands and his village
16 chiefs did the same. On February 20, 1929, the
17 United States Congress officially ratified the Treaty
18 of Cession of Tutuila and Aunu’u and the Treaty of
19 Cession of Manu’a. On March 4, 1925, by Joint
20 Resolution of the United States Congress, American
21 sovereignty was officially extended over Swains Is-
22 land and it was placed under the jurisdiction of the
23 government of American Samoa.

24 (4) Since ratification of the Treaties of Cession,
25 many American Samoans who are United States na-

tionals have joined the United States Armed Forces and fought for the United States during World War II, the Korean, Vietnam, and Persian Gulf wars, and most recently in Iraq and Afghanistan.

(5) However, in order for American Samoans who are United States nationals to become United States citizens, they must follow the same procedure as aliens lawfully admitted for permanent residence. This procedure requires, among other steps, an application, fingerprinting, an interview, an English language and civics examination, and participation in an oath ceremony. The procedure may take years to complete.

(6) Given that American Samoa's education system is structured to closely resemble that of public schools in the United States, that courses on United States history, civics, and government are thoroughly taught, that English is the language of public school instruction, and that United States nationals by definition owe permanent allegiance to the United States, it is in the national interest that United States nationals be allowed to become United States citizens by more expeditious means.

1 **SEC. 2. WAIVER OF CERTAIN NATURALIZATION REQUIRE-**
2 **MENTS FOR AMERICAN SAMOAN UNITED**
3 **STATES NATIONALS TO BECOME UNITED**
4 **STATES CITIZENS.**

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

8 **“SEC. 326A. AMERICAN SAMOAN UNITED STATES NATION-**
9 **ALS EXCEPTED FROM CERTAIN REQUIRE-**
10 **MENTS.**

11 “(a) IN GENERAL.—For any person who is born in
12 American Samoa and resides continuously within Amer-
13 ican Samoa from the date of such person’s birth up to
14 the time of admission to citizenship, the following are
15 waived:

16 “(1) The requirements for naturalization under
17 section 312.

18 “(2) All the requirements as to residence and
19 physical presence within the United States and a
20 particular State for naturalization under section
21 316.

22 “(3) Section 325.

23 “(b) ABSENCE FROM AMERICAN SAMOA.—Absence
24 from American Samoa for a continuous period of more
25 than 180 days during the period for which continuous resi-
26 dency is required for admission to citizenship under sub-

1 section (a) shall break the continuity of such residence,
2 unless a person described in subsection (a) establishes to
3 the satisfaction of the Secretary of Homeland Security
4 that such person did not abandon such person's residence
5 in American Samoa during such period.”.

6 **SEC. 3. CLERICAL AMENDMENT.**

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

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

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