

116TH CONGRESS  
1ST SESSION

# H. R. 3482

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2019

Mrs. RADEWAGEN introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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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, and for other purposes.

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. WAIVER OF CERTAIN NATURALIZATION RE-**  
4 **QUIREMENTS FOR AMERICAN SAMOAN**  
5 **UNITED STATES NATIONALS TO BECOME**  
6 **UNITED STATES CITIZENS.**

7 (a) FINDINGS.—The Congress finds the following:

1           (1) Under the Immigration and Nationality  
2 Act, persons born in the United States territory of  
3 American Samoa are nationals of the United States,  
4 but not citizens, at birth.

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

10          (3) A large number of American Samoans who  
11 are United States nationals have joined the United  
12 States Armed Forces and fought for the United  
13 States.

14          (4) However, in order for American Samoans  
15 who are United States nationals to become United  
16 States citizens, they must follow the same procedure  
17 as aliens lawfully admitted for permanent residence.  
18 This procedure requires, among other steps, an ap-  
19 plication, fingerprinting, an interview, an English  
20 language and civics examination, and participation  
21 in an oath ceremony. The procedure may take years  
22 to complete.

23          (5) Given that American Samoa’s education  
24 system is structured to closely resemble that of pub-  
25 lic schools in the United States, that courses on

1 United States history, civics, and government are  
2 thoroughly taught, that English is the language of  
3 public school instruction, and that United States na-  
4 tionals by definition owe permanent allegiance to the  
5 United States, it is in the national interest that  
6 United States nationals be allowed to become United  
7 States citizens by more expeditious means.

8 (b) NATURALIZATION OF CERTAIN RESIDENTS OF  
9 AMERICAN SAMOA.—Section 325 of the Immigration and  
10 Nationality Act (8 U.S.C. 1436) is amended to read as  
11 follows:

12 **“SEC. 325. NATIONALS BUT NOT CITIZENS OF THE UNITED**  
13 **STATES; RESIDENCE WITHIN OUTLYING POS-**  
14 **SESSIONS.**

15 “(a) ELIGIBILITY FOR NATURALIZATION.—A person  
16 not a citizen who owes permanent allegiance to the United  
17 States, and who is otherwise qualified, may—

18 “(1) if the person becomes a resident of any  
19 State, be naturalized upon compliance with the ap-  
20 plicable requirements of this title, except that in ap-  
21 plications for naturalization filed under the provi-  
22 sions of this section, residence and physical presence  
23 within the United States within the meaning of this  
24 title shall include residence and physical presence

1 within any of the outlying possessions of the United  
2 States; or

3 “(2) if the person has continuously resided in  
4 any State or outlying possession of the United  
5 States from birth to the date of approval of the ap-  
6 plication, be naturalized upon compliance with the  
7 applicable requirements of this title other than sec-  
8 tions 312 and 337(a) and paragraphs (1) and (2) of  
9 section 316(a).

10 “(b) JURISDICTION.—

11 “(1) IN GENERAL.—The Secretary shall provide  
12 that applications, interviews, filings, oaths, cere-  
13 monies, or other proceedings under this title, to the  
14 extent applicable, are available in an outlying posses-  
15 sion of the United States with respect to—

16 “(A) any applicant for naturalization  
17 under subsection (a)(2);

18 “(B) any applicant for naturalization  
19 under section 328 or 329 who is a resident of  
20 an outlying possession of the United States; or

21 “(C) any child described in section  
22 322(a)(5)(B) for whom an application is made  
23 under section 322.

24 “(2) LIMITATION.—Notwithstanding any other  
25 provision of law, including sections 310(c) and

1       336(b), no court shall have jurisdiction over any ap-  
2       plication for naturalization filed by or on behalf of  
3       a resident of an outlying possession of the United  
4       States.

5       “(c) CONSTRUCTION.—In determining eligibility for  
6       naturalization under subsection (a)(2)—

7               “(1) absence from any State or outlying posses-  
8       sion of the United States for a continuous period of  
9       more than 180 days shall break the continuity of  
10      such residence, unless the person establishes to the  
11      satisfaction of the Secretary of Homeland Security  
12      that the person did not abandon such person’s resi-  
13      dence during such period;

14              “(2) in conducting the investigation and exam-  
15      ination of the person under sections 332(a) and 335,  
16      the Secretary of Homeland Security may in the dis-  
17      cretion of the Secretary waive a personal interview  
18      of the person; and

19              “(3) the Secretary of Homeland Security, in the  
20      discretion of the Secretary, may impose a reduced  
21      fee for an application for naturalization under such  
22      subsection compared to other applications for natu-  
23      ralization, taking into account the relative costs of  
24      processing an application for naturalization under  
25      such subsection.”.

1 (c) CHILDREN RESIDING IN AMERICAN SAMOA.—

2 Section 322(a)(5) of the Immigration and Nationality Act  
3 (8 U.S.C. 1433(a)(5)) is amended to read as follows:

4 “(5) The child—

5 “(A) is temporarily present in the United  
6 States pursuant to a lawful admission, and is  
7 maintaining such lawful status; or

8 “(B) is present and resides in an outlying  
9 possession of the United States”.

10 **SEC. 2. SENSE OF CONGRESS REGARDING POLITICAL STA-**  
11 **TUS EDUCATION IN AMERICAN SAMOA.**

12 It is the sense of the Congress that the Secretary of  
13 the Interior may provide technical assistance to the Gov-  
14 ernment of American Samoa under section 601(a) of the  
15 Act entitled “An Act to authorize appropriations for cer-  
16 tain insular areas of the United States, and for other pur-  
17 poses”, approved December 24, 1980 (48 U.S.C.  
18 1469d(a)), for public education regarding political status  
19 options only if the political status options are consistent  
20 with the Constitution of the United States.

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