



**Congress of the United States**  
**House of Representatives**

**Washington, DC 20515-5200**

**House Committee on Natural Resources**  
**Full Committee Member Day hearing**  
**Thursday, November 2, 2023, 10:15 a.m.**  
**Rep. Aumua Amata Radewagen Testimony**

Thank you to Chairman Westerman and Ranking Member Grijalva for allowing me to submit written testimony for this Member Day hearing. I regret not being able to attend in person due to other obligations in my home district and a lack of available flights which make it difficult to quickly travel between home and DC. I have two pieces of legislation of my own before the committee which I would like to flag for committee action: H.R. 6061 and H.R. 6062. Both of these bills are no-cost measures that are nonetheless very important to my district. Although somewhat arcane and technical, when correctly understood these pieces of legislation are not controversial and are in fact required to avoid unnecessary controversy that could arise if not corrected.

**H.R. 6061, To amend the Immigration and Nationality Act to waive certain naturalization requirements for United States nationals, and for other purposes:**

Previously introduced as H.R. 1941 in the 117<sup>th</sup> Congress, my bill aims to rectify an issue that has uniquely affected American Samoa since the territory signed the Deed of Cession to willingly join the United States in 1900. Under the law, American Samoans are considered “non-citizen US Nationals”. While this status is nominally different from the “U.S. citizen” classification conferred by federal statute for persons born in the other organized territories these two classifications are in many respects equivalent for all Americans residing in all the U.S. territories. US Nationals hold US passports, serve in the military, and have the same rights and responsibilities as other Americans.

Unlike the other territories however, the classification of non-citizen US National creates an anomalous and unnecessary lack of equal rights when we become residents of a state. Compared to Americans born in the other territories as “citizens” who have fully equal citizenship rights immediately, only U.S. nationals from American Samoa must apply after arrival for conversion and re-classification as citizens to have equal rights and responsibilities.

Though it may seem paradoxical, the territorial government and local population still wish to maintain this status due to associated benefits in the form of traditional government and indigenous land rights. However, due to their established allegiance to the US, we feel that the conversion from US National to US Citizen for Samoans who wish to relocate to the states should not involve the same bureaucratic hoops as foreign immigrants attempting to naturalize.

There is a need for this “opt-in” approach rather than granting everyone born in the territory citizenship at birth. Automatic, at-birth citizenship for American Samoans is inconsistent with

established agreements between the territorial and federal governments and derogates the Deeds of Cession which promise local self-determination. Such attempts to apply citizenship in this way have accordingly been struck down in court multiple times.

Instead, of applying blanket citizenship to the locals and undercutting their indigenous rights, my bill attempts to streamline the re-classification process and make it possible for individual Samoans to accept full citizenship before relocating to a state and without being subjected to the same bureaucratic hoops as foreigners who have no pre-existing allegiance to our country. By allowing American Samoans to elect to convert as individuals, we can protect the relationship between the indigenous people of the territory and the US government while acknowledging their allegiance to our country and rights as Americans.

It has come to my attention that DOD intends for new recruits to have security clearances going forward. Because of the inconsistency with which American Samoans are treated under statute – sometimes granted the same treatment as “citizens” while under other rulings considered distinct– security clearances are not immediately available to them. Security clearances for Legal Permanent Residents require special waivers and top-level clearances require full US citizenship. As American Samoans are technically neither category, our service members must often go through the arduous process of converting to full citizenship to further their military careers.

The island sends approximately 150 new recruits to the military each year. DOD is generally able to provide support to service members seeking conversion and reclassification as citizens after they join, however, if clearances will be required from day one, this will prevent many of our young people from enlisting in the first place. Last Congress –before their plans to change the clearance requirements– DOD had already indicated my bill would be good for recruitment and retention. Considering the current state of affairs with China in the Pacific, I am asking for your support on passing this legislation as soon as possible.

#### **H.R. 6062, Repeal of Section 12 of Public Law 98–213 (48 U.S.C. 1662a):**

48 U.S.C. 1662a dictates that any changes to the Constitution of American Samoa can be made only with an act of Congress. This 1983 statute was a hollow act purporting to give Congress by statute an additional power to govern territories by approving or disapproving amendments to the local territorial constitution – but Congress already has that power and all other full powers to govern the territories. We do not need a statute to give Congress powers it already has under the U.S. Constitution’s territorial clause. It adds an unnecessary layer of bureaucracy to a process that already has federal Congressional oversight, so the only effect of the 1983 statute is to prevent local government from making changes to their local laws in the same manner as local law is made, without requiring Congress to act before local law can take effect. Such restrictions aren’t placed on any other territory, and the American Samoan government has been prevented from passing measures as innocuous as simple geographic location name changes as a result. In fact, the American Samoan Member of Congress who authored the law in the first place ended up reversing their stance on it very soon after its passage. Unfortunately, attempts to repeal the language have been met with the misunderstanding that it would remove Congressional oversight of the territory’s laws which is simply not the case. When this law is repealed, both Congress and the Dept. of Interior will still retain the ability to weigh in on proposed changes to territorial law and step in if necessary. Anything more would be federal overreach and political handholding of local governance. As such, I urge the committee to correct the decades long lack of progress on a redundant and parochial measure.