

PREPARED JOINT STATEMENT FOR THE RECORD
OF
THE HONORABLE TUAOLO M. FRUEAN
PRESIDENT OF THE SENATE
AMERICAN SAMOA LEGISLATURE
&
THE HONORABLE SAVALI TALAVOU ALE
SPEAKER OF THE HOUSE OF REPRESENTATIVES
AMERICAN SAMOA LEGISLATURE

BEFORE THE
HOUSE COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON INDIAN AFFAIRS AND INSULAR AREAS

HEARING ON H.R. 6062

January 18, 2024

Madam Chair Hageman, Ranking Member Fernandez, and members of the Subcommittee on Indian Affairs and Insular Affairs, thank you for the opportunity to provide a prepared statement for the record on behalf of the Legislature of American Samoa. It is an honor to address the committee and promote for continued self-governance and self-determination of our territory. We join Governor Lemanu Peleti Mauga and the people of American Samoa in supporting the efforts of Congresswoman Uifaatali Aumua Armata Coleman Radewagen to pass H.R. 6062.

For over 150 years, American Samoa has had a formal relationship with the U.S. government. This was first recorded in 1872 when Navy Commander Richard Meade of the USS Narragansett visited the harbor village of Pago Pago and entered into an agreement with then-High Chief Mauga for the use of the bay area as a ship coaling station and provision restocking. This started a long-lasting relationship and friendship between the Samoan islands and the U.S. which culminated in the signing of a deed of cession between the high chiefs of Tutuila and the U.S. in 1900. Tutuila agreed to “cede, transfer and yield up” the islands of Tutuila and Aunu’u to be a district annexed to the U.S. In return, the U.S. agreed to respect and protect the individual rights of all people dwelling in Tutuila to their lands and other property. The islands of Manu’a then were ceded to the U.S. in 1904.

From 1900 to 1951, American Samoa was administered by the U.S. Department of the Navy. On July 1, 1951, the administration was transferred to the U.S. Department of the Interior by Executive Order where it remains to this day. After the handover, the Department worked with the territory to foster greater self-determination and governance through the creation of a constitution. The goal was to prepare a document that would not only shape the territorial government but ensure that the agreements in the Deeds of Cessions were advanced.

Our people convened to adopt its first constitution in 1960 and revised the document several times in 1967, 1977, and 1978. Pursuant to Article V, Section 3, of the Revised Constitution of American Samoa, final approval or disapproval of amendments is made by the Secretary of the Department of the Interior. In 1983, P.L. 98-213, codified in 48 USC 1662a, added a layer of approval to our constitution’s amendment process to include an act of Congress. While the

underlying reasons for the change continue to be unclear, it is with a great degree of certainty that 1662a does not align with the Territory's ultimate goal of self-governance.

American Samoa continues to be the only territory to require an act of Congress to approve amendments to their constitution. For decades before the enactment of 1662a, the process set in place by our people remained ideal to maintain our relationship with the federal government. It remained ideal to uphold the promises by the signatories of the Deeds of Cession that welcomed American Samoa to the U.S. family. A relationship that has seen the U.S. live up to its promise to protect its Pacific nationals with Samoans contributing to the U.S. culture and way of life. This also includes our involvement in every U.S. conflict since it became a U.S. territory, sacrificing many of our men and women. We are very proud and loyal Americans.

In 2022, the Territory convened a Constitutional Convention whereby several amendments were voted on by delegates from each district. Several amendments were passed and forwarded to the Secretary to include changes in the selection process for the judiciary, veto override process for the legislature, redistricting, and an impeachment process for government officials. The list of amendments also included housekeeping items such as misspellings of district names and the proper names for districts. The process was followed and the civic involvement of the territory was front and center with the island consumed with the meetings. However, one of the most historic times in the Territory's history must now await an uncertain fate where we must find time in Congress's busy calendar to hear issues that many may find trivial.

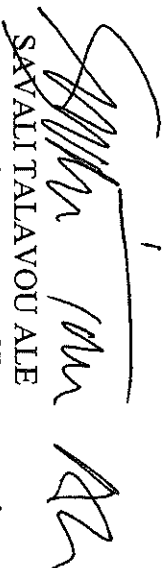
We wish to return to the pre-1662a process where our relationship with the federal government remains with the Department of the Interior. The Insular areas have a long history with the Interior who have representatives specifically assigned to collaborate with each territory and monitor each daily. Congress will continue to have plenary authority over the territories pursuant to the Territories Clause of the U.S. Constitution. We, like all states and territories, will always rely on Congress for its wisdom and the direction of our nation. However, Congress should not be burdened with the management of the daily affairs of the American Samoa people, particularly approval of amendments to its constitution. These matters should ultimately be left to the will of the Territory through an open and democratic process as seen in the Constitutional Convention of 2022 and future meetings for like amendments.

As we navigate these rapidly changing and often trying times, we must meet these challenges with a constitution that is both fluid and conforming. Allowing American Samoa to determine its own fate without congressional permission is a step towards what was envisioned by forefathers of both the U.S. and Samoa when we agreed to our union in 1900.

We strongly support H.R. 6062 and urge markup by the committee and approval by Congress. Thank you again for the opportunity to address the committee through this statement.



TUAOLO MANAIA FRUEAN
Senate President
American Samoa Legislature



SAVVALI TALAVOU ALE
Speaker of the House of Representatives
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