

**TESTIMONY OF
KEONE NAKOA
DEPUTY ASSISTANT SECRETARY
INSULAR AND INTERNATIONAL AFFAIRS
U.S. DEPARTMENT OF THE INTERIOR
BEFORE
THE SUBCOMMITTEE ON INDIAN AND INSULAR AFFAIRS
COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON D.C.**

On H.R. 6062 and H.R. 6273

January 18, 2024

Chair Hageman, Ranking Member Leger Fernandez, and distinguished members of the Subcommittee, I am Keone Nakoa, Deputy Assistant Secretary of the Interior for Insular and International Affairs. It is an honor for me to appear before the Subcommittee on Indian and Insular Affairs as the representative of Assistant Secretary of the Interior for Insular and International Affairs to provide testimony on H.R. 6062, a bill relating to Congressional approval of amendments to the American Samoa Constitution, introduced by Representative Radewagen, and H.R. 6273, the Guam Host Community Compensation Act, introduced by Representative Moylan.

H.R. 6062, Amendments to the America Samoa Constitution

The Department of the Interior supports H.R. 6062, which would repeal a statutory requirement that amendments or modifications to the Constitution of American Samoa may be made only by Act of Congress. Enactment of H.R. 6062 would restore the ability of the people of American Samoa to approve amendments to the territorial constitution without further Congressional action.

In 2022, American Samoa held a Constitutional Convention that consisted of members selected from each county in the Territory and Swains Island. The Convention recommended eleven amendments to the Revised Constitution of 1967, and on November 8, 2022, a majority of voters approved five of the eleven proposed constitutional amendments. It was the first time since enactment of 48 U.S.C. 1662a that a majority of voters in American Samoa approved proposed amendments to the Revised Constitution of 1967.

In his December 14, 2022, letter transmitting the five approved amendments to Secretary of the Interior Deb Haaland, Governor of American Samoa Lemanu P.S. Mauga's first sentence was

simply, “The people of American Samoa have spoken.” Since receiving the letter, we at the Department have had several discussions with Governor Lemanu, Representative Radewagen, and members of their respective staffs about the process and the next steps for adoption of the amendments to the revised constitution of 1967. It has been their determination and our consensus decision that passage of H.R. 6062 is the best next step in the process to formally adopt the constitutional amendments and to honor the people’s vote on November 8, 2022.

The people of American Samoa have spoken, and we encourage this Committee to take swift action to approve H.R. 6062 and Congress to pass the legislation. We also acknowledge the honorable representative from American Samoa in her consistent efforts to protect, enhance, and advance American Samoa’s political development.

H.R. 6273, The Guam Host Community Compensation Act

H.R. 6273, the “Guam Host Community Compensation Act,” would in part amend a portion of the Compact of Free Association Amendments Act of 2003 relating to the impact of the Compacts on specified jurisdictions within the United States to reauthorize and amend the compact impact grants to those specified jurisdictions and would additionally provide other compensation to affected territories. The proposed bill would also impose new requirements on individuals relying on the immigration provisions of the Compacts to live in Guam.

We acknowledge the unintended but significant costs to Guam and other territories and states related to the Compacts of Free Association (COFAs) over the years. According to the U.S. Government Accountability Office, in 2018, after over 70 years of close social, political, economic, and cultural ties with the Freely Associated States (FAS), there were an estimated 94,000 FAS individuals who have properly exercised their ability to travel in the United States under the COFAs and now call the United States their home – this includes communities in virtually every state and territory in the country.

We cannot, however, support H.R. 6273 because the bill would impose additional requirements for non-immigrant residency in Guam, which would place at risk our close relationships with the FAS, a cornerstone of U.S. national interests in the Pacific. Further, the intended effect of the proposed legislation on the Compacts and the INA is somewhat unclear, given that under the Compacts, eligible FAS citizens do not require visas to travel to the United States, including Guam.

We agree with Representative Moylan that more federal resources must be dedicated to support host territorial and state governments and FAS individuals residing in Guam and the other territories and states, and we again encourage Congress to pass the Compact of Free Association Amendments Act of 2023, which includes the Compact Impact Fairness Act, legislation which was co-sponsored by Representatives Moylan, Radewagen, and Case, among others. The proposal includes language that would restore eligibility for key federal public benefit programs for FAS individuals while they are lawfully present in the United States – an important long-term solution to the financial impacts of these communities on U.S. state and territorial governments.

Restoring access to federal public benefits would have a significant positive impact on these FAS individuals; it also would allow the federal government to rightfully share in covering a significant portion of the financial burden currently placed on state and territorial governments for hosting these small, but unique, communities without an additional costly administrative burden. Further, the benefits from the federal government would follow the FAS individuals in whichever state or territory they choose to live.

With restored access to federal public benefits, Guam and other jurisdictions will have the resources that their government agencies need to better support FAS citizens in their communities.

I thank you again for the opportunity to provide this testimony and am happy to take any questions.