



Congress of the United States
House of Representatives

Washington, DC 20515-5200

House Committee on the Judiciary
Full Committee Member Day Hearing
Friday, November 3, 2023, 9:00 a.m.
Rep. Aumua Amata Radewagen Testimony

Thank you to Chairman Jordan and Ranking Member Nadler 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 would like to flag for the committee my bill H.R. 6061, a no-cost measure that is nonetheless very important to my district. Although somewhat arcane and technical, when correctly understood this legislation is not controversial and is 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 117th 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 to 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, this could easily be considered a national security issue. Therefore, I am asking for your support in passing this legislation as soon as possible.

Thank you again for receiving my testimony, and I look forward to working with you.



Aumua Amata Coleman Radewagen
Member of Congress