

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.

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

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 Representa2 tives of the United States of America in Congress assembled,
 3 SECTION 1. WAIVER OF CERTAIN NATURALIZATION RE4 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.
 - (2) The term "national of the United States" is defined under the Immigration and Nationality Act to include persons who, though not citizens of the United States, owe permanent allegiance to the United States.
 - (3) A large number of American Samoans who are United States nationals have joined the United States Armed Forces and fought for the United States.
 - (4) However, in order for American Samoans who are United States nationals to become United States citizens, they must follow the same procedure as aliens lawfully admitted for permanent residence. This procedure requires, among other steps, an application, fingerprinting, an interview, an English language and civics examination, and participation in an oath ceremony. The procedure may take years to complete.
 - (5) Given that American Samoa's education system is structured to closely resemble that of public 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
- 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-
- sions of this section, residence and physical presence
- 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
- 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
- such residence, unless the person establishes to the
- 11 satisfaction of the Secretary of Homeland Security
- that the person did not abandon such person's resi-
- dence during such period;
- 14 "(2) in conducting the investigation and exam-
- ination of the person under sections 332(a) and 335,
- the Secretary of Homeland Security may in the dis-
- 17 cretion of the Secretary waive a personal interview
- of the person; and
- 19 "(3) the Secretary of Homeland Security, in the
- discretion of the Secretary, may impose a reduced
- 21 fee for an application for naturalization under such
- subsection compared to other applications for natu-
- ralization, taking into account the relative costs of
- processing an application for naturalization under
- 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-
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111 112 113 114 115 116	TUS EDUCATION IN AMERICAN SAMOA. It is the sense of the Congress that the Secretary of the Interior may provide technical assistance to the Government of American Samoa under section 601(a) of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other pur-
111 12 13 14 15 16 17	It is the sense of the Congress that the Secretary of the Interior may provide technical assistance to the Government of American Samoa under section 601(a) of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved December 24, 1980 (48 U.S.C.

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