



# S. 13

To provide certain opportunities for democratic reorganization to the people of the five permanently populated, unincorporated territories of the United States in order to guarantee the fundamental right to proper self-governance; to set forth the process for the Commonwealth of Puerto Rico to be admitted as a State of the Union; to set forth the process for the reunification of the Commonwealth of the Northern Mariana Islands and the organized territory of Guam under a new constitution as the Commonwealth of the Mariana Islands; to set a deadline for the organized territory of the United States Virgin Islands to attain commonwealth status through ratification of a constitution; to allow all U.S. nationals born and residing in American Samoa to gain U.S. citizenship by choice in a referendum; to set forth the process for the unorganized territory of American Samoa to become an organized territory in order to pursue a greater political status; and for other purposes.

## IN THE SENATE OF THE UNITED STATES

DECEMBER 31, 2013

Mr. MENON (for himself and Mr. AKHTAR) introduced the following bill; which was referred to the Committee on Foreign Relations for a period to be subsequently determined by the President Pro Tempore, for consideration of such provisions as fall within the jurisdiction of the committee concerned.

## A BILL

To provide certain opportunities for democratic reorganization to the people of the five permanently populated, unincorporated territories of the United States in order to guarantee the fundamental right to proper self-governance; to set forth the process for the Commonwealth of Puerto Rico to be admitted as a State of the Union; to set forth the process for the reunification of the Commonwealth of the Northern Mariana Islands and the organized territory of Guam under a new constitution as the Commonwealth of the Mariana Islands; to set a deadline for the organized territory of the United States Virgin Islands to attain commonwealth status through ratification of a constitution; to allow all U.S. nationals born and residing in American Samoa to gain U.S. citizenship by choice in

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52 Rico and the Northern Mariana Islands, which by  
53 adopting their own constitutions became self-governing  
54 commonwealths of the United States. At present, there  
55 are 16 non-self-governing territories remaining, which  
56 includes three territories held by the United States,  
57 Guam, the Virgin Islands of the United States, and  
58 American Samoa. All three of these territories have  
59 failed or have been unable to adopt a constitution and  
60 attain commonwealth status, attributed to various  
61 reasons.  
62 (3) The United States opposes colonial activity and  
63 promotes the principles of democratic self-government  
64 upon which it was founded and thus actively pursues a  
65 policy of self-government within its own territories and  
66 all around the world. The United States seeks to  
67 remove Guam, the Virgin Islands of the United States,  
68 and American Samoa from the U.N. list of 'Non-Self-  
69 Governing Territories' as soon as possible by allowing  
70 the people of these territories to determine their self-  
71 government through adoption of a constitution or a  
72 new political status.  
73 (4) When used in connection with areas under U.S.  
74 sovereignty that are not states, the term  
75 'commonwealth' broadly describes an area that is self-  
76 governing under a constitution of its adoption and  
77 whose right of self-government cannot be unilaterally  
78 withdrawn by Congress. Puerto Rico and the Northern

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a referendum; to set forth the process for the unorganized territory of American Samoa to become an organized territory in order to pursue a greater political status; and for other purposes.

1 *Be it enacted by the Senate and House of*  
2 *Representatives of the United States of America in*  
3 *Congress assembled,*

### SECTION 1. SHORT TITLE.

5 This Act may be cited as the "American  
6 Unincorporated Territories Reorganization Act".

### SEC. 2. FINDINGS.

8 Congress finds the following:  
9 (1) The United States Supreme Court made a series of  
10 rulings from 1901 to 1905 in a set of civil suits now  
11 known as the 'insular cases,' which held that the  
12 Constitution extended 'ex proprio vigore' (of its own  
13 force) to the territories. However, the Court in these  
14 cases also established the doctrine of territorial  
15 incorporation, which held that the Constitution applied  
16 fully only in incorporated territories such as Alaska and  
17 Hawaii, whereas it applied only partially in  
18 unincorporated territories such as Puerto Rico and  
19 Guam. Incorporated territories are, according to the  
20 Supreme Court's insular cases, a specific area under  
21 the jurisdiction of the United States, over which the  
22 United States Congress has determined that the United  
23 States Constitution is to be applied to the territory's  
24 local government and inhabitants in its entirety in the

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79 Mariana Islands are both commonwealths, as they  
80 have adopted their own local constitution that  
81 guarantees self-government. Both local constitutions  
82 were subject to the ratification of the United States  
83 Congress and the approval of the President of the  
84 United States.  
85 (5) Unlike Puerto Rico and the Northern Mariana  
86 Islands, the Virgin Islands of the United States (U.S.  
87 Virgin Islands) and Guam are both organized  
88 territories, by authority of Congress, that have been  
89 unable to produce their own constitution approved by  
90 the voters of their respective territories and Congress,  
91 thus failing to achieve commonwealth status.  
92 (6) Unlike all other populated territories of the United  
93 States, American Samoa is an unorganized territory,  
94 having not been the subject of an organic act by  
95 Congress, and are therefore subject to direct  
96 governance by Congress. Unlike the law for other  
97 territories of the United States, the residents of  
98 American Samoa are U.S. nationals, not U.S. citizens.  
99 (7) In 1898, Puerto Rico became a United States  
100 territory and persons born in Puerto Rico have been  
101 granted United States citizenship by law since March 2,  
102 1917.  
103 (8) Puerto Rico has been granted authority over local  
104 matters that are similar to the authority that the  
105 several States possess, but Puerto Rico remains

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25 same manner as it applies to the local governments  
26 and residents of the U.S. states. Incorporated  
27 territories are considered an integral part of the United  
28 States, as opposed to being merely possessions.  
29 Unincorporated territories do not necessarily have the  
30 U.S. Constitution applied to them and are not  
31 considered an integral part of the United States.  
32 According to the Supreme Court, a territory's status of  
33 'incorporation is not to be assumed without express  
34 declaration, or an implication so strong as to exclude  
35 any other view.' The United States currently possesses  
36 no populated incorporated territories and five  
37 populated unincorporated territories, Puerto Rico, the  
38 Northern Mariana Islands, Guam, the Virgin Islands of  
39 the United States, and American Samoa.  
40 (2) The United Nations (U.N.) maintains a list of non-  
41 self-governing territories. The United Nations maintains  
42 a list of 'Non-Self-Governing Territories' that identifies  
43 the territories in the world that are colonized without  
44 self-government, as defined by the U.N. The list was  
45 initially prepared in 1946 pursuant to Chapter XI of the  
46 United Nations Charter and has been updated by the  
47 General Assembly on recommendation of the Special  
48 Committee on Decolonization and its predecessors.  
49 Only permanently inhabited territories are considered  
50 for inclusion in this list. From 1960 to 2002, 54  
51 territories attained self-government, including Puerto

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106 subject to the powers of Congress under the Territory  
107 Clause of the Constitution of the United States.  
108 (9) The approximately 3,700,000 residents of Puerto  
109 Rico do not have a democratic form of government at  
110 the national level, because United States citizens  
111 residing in the territory are disenfranchised in the  
112 election for the President and the Vice President of the  
113 United States, are not represented in the United States  
114 Senate, and their one representative in the United  
115 States House of Representatives is not granted full  
116 voting privileges.  
117 (10) The Federal Government does not give Puerto  
118 Rico and its residents equal treatment or status under  
119 Federal programs, taxes, and other laws relative to the  
120 several States and the District of Columbia, and their  
121 respective residents.  
122 (11) On November 6, 2012, the Government of Puerto  
123 Rico held a two-part referendum. The first question  
124 asked voters if Puerto Rico should continue to have its  
125 present form of territorial status. Of the 1,798,987  
126 voters who chose an option, 53.97 percent voted  
127 against continued territorial status.  
128 (12) The second question asked voters to express their  
129 preference among the three possible alternatives to  
130 territorial status: statehood, independence, and  
131 nationhood in free association with the United States.

132 Of the 1,363,854 voters who chose an option, 61.16  
 133 percent voted for statehood.  
 134 (13) The number of votes cast in favor of statehood for  
 135 Puerto Rico in the 2012 referendum exceeded the  
 136 number of votes cast in favor of continued territorial  
 137 status.  
 138 (14) The Mariana Islands is an archipelago in the  
 139 western Pacific Ocean currently consisting of two  
 140 political entities, both under the jurisdiction of the  
 141 United States as unincorporated territories, the  
 142 Commonwealth of the Northern Mariana Islands and  
 143 organized territory of Guam.  
 144 (15) Guam, Rota, Tinian, and Saipan are the four  
 145 major inhabited islands of the Mariana archipelago.  
 146 These small islands are close in distance; they share a  
 147 distinctive cultural heritage, relatively similar natural  
 148 resources, and a comparable population distribution.  
 149 Yet these islands have been separated into two  
 150 different political entities for almost 110 years, each  
 151 with a special territorial relationship with the United  
 152 States. The Commonwealth of the Northern Mariana  
 153 (CNMI) consists of Rota, Tinian, Saipan, and eleven  
 154 other smaller and uninhabited isles. Guam, the largest  
 155 and southernmost of the Mariana Islands, has its own  
 156 unique political status: it is an unincorporated,  
 157 organized territory of the United States.

212 and Guam are experiencing economic challenges. For  
 213 Guam, an increased military development is considered  
 214 to be a double edged sword which may adversely deter  
 215 Guam as a tourist destination for the Japanese market.  
 216 The current economic environment of CNMI, as it was  
 217 during the first Reunification efforts is bleak. With the  
 218 passing of U.S. Senate Bill S. 2739, the Federal  
 219 government takes control over CNMI immigration and  
 220 wage laws. This has caused closures of Textile  
 221 Manufacturing factories, which served as the CNMI's  
 222 major trade and industry. On the other hand, Guam  
 223 today stands at a crossroad of major economic change.  
 224 The imminent transfer of U.S. Marines, dependents and  
 225 other related personnel from Okinawa to Guam,  
 226 estimated to increase the local population by at least  
 227 20,000 will have a major impact on the current state of  
 228 Guam's economy and political environment. Residents  
 229 of the CNMI may expect a spillover effect from the  
 230 build-up. Included in the plans for the military  
 231 relocation are training exercises from which the  
 232 northern islands will be heavily utilized. Resolution No.  
 233 367 authored in the Fourth (4th) Guam Legislature  
 234 circa 1958 held the following clause: 'WHEREAS  
 235 despite this unfortunate and perhaps accidental  
 236 division of one race, the people of the Mariana have  
 237 never lost hope that a day will come when all the  
 238 Chamorros once again will be reunited within a

158 (16) For hundreds of years before European  
 159 exploration in the sixteenth century of the Common  
 160 Era, the indigenous Chamorro of the Mariana Islands  
 161 were one people. Spain ultimately took control of the  
 162 Mariana Islands after this period. By 1898, almost  
 163 three centuries later, the Spanish-American War would  
 164 politically divide the people in the southernmost island  
 165 of Guam from her sister islands to the north (Saipan,  
 166 Rota, Tinian, etc.), as Guam was ceded by Spain to the  
 167 United States and the Northern Mariana Islands (NMI)  
 168 were sold off to Germany. In 1919, Japan having  
 169 declared war on Germany during World War I,  
 170 conquered the Northern Mariana Islands, resulting in  
 171 the relinquishing of German control over any of the  
 172 islands of the archipelago. In 1941, The Japanese  
 173 administration launched an attack on Guam, with the  
 174 Japanese occupation of Guam lasting for almost three  
 175 years.  
 176 (17) Tragic World War II events are believed to be the  
 177 root of why the Mariana Islands reunification efforts  
 178 between the Northern Mariana and Guam were  
 179 rejected by the people of Guam in the November 1969  
 180 referendum. Political leaders of Guam and the NMI  
 181 craved a closer relationship with the United States and  
 182 realized the reunifying would strengthen their chances  
 183 at reaching this goal. However, deep historical  
 184 resentment, a fall-out of WWII, became the stumbling

239 homogenous political and economic union under one  
 240 governmental administration.'  
 241 (18) It has been the intent of some members of the I  
 242 Liheslaturan Gubahan (the governing legislative body of  
 243 Guam) through submitted legislation that reunification  
 244 with the NMI be accomplished through a referendum.  
 245 If the results favor reunification, the separation that  
 246 occurred in 1898, when Guam was ceded to the United  
 247 States, and the Northern Mariana Islands were sold by  
 248 Spain to Germany, may finally be terminated and a  
 249 unification of the people of the Mariana Islands will be  
 250 accomplished and the overall direction set for purposes  
 251 of moving forward to accomplish a greater political  
 252 status.  
 253 (19) The Virgin Islands of the United States (U.S.  
 254 Virgin Islands) have failed five times to produce a  
 255 constitution that satisfies U.S. sovereignty and sets  
 256 forth rights consistent with the U.S. Constitution. The  
 257 U.S. Virgin Islands elected constitutional conventions in  
 258 1964, 1971, 1977 and 1980, all failing to produce a  
 259 suitable constitution.  
 260 (20) An Act was passed by the twenty-fifth session of  
 261 the Legislature of the Virgin Islands calling for a fifth  
 262 constitutional convention, and 30 delegates to the  
 263 convention were elected in the 2007 United States  
 264 Virgin Islands Constitutional Convention election. The  
 265 convention passed a proposed constitution in May

185 block that would catapult both Guam and the NMI on  
 186 different political paths towards the same objective.  
 187 Most people of Saipan, Tinian, and Rota (NMI) favored  
 188 integrating their political system with the people of  
 189 Guam over being one entity in the Trust Territories of  
 190 the Pacific Islands. Having closer cultural ties and  
 191 sharing language and heritage motivated them to seek  
 192 closer political and economic affinity with their  
 193 brethren in Guam. The voters of the Northern Mariana  
 194 Islands made it resoundingly clear that they wanted to  
 195 unify with Guam in a series of referendums. However,  
 196 reunification sentiments on Guam were mixed and  
 197 variable due to concerns of economic setbacks and  
 198 unresolved resentments from WWII. In a special  
 199 election in 1969 Guam voters rejected reintegration  
 200 with the NMI. Roughly 6,000 of some 20,000  
 201 registered voters on the island showed up to the polls  
 202 for this issue; a little less than half of the votes cast  
 203 were unfavorable. After being rejected by Guam, the  
 204 NMI began to aggressively seek political status  
 205 changes independently from Guam and the larger  
 206 Micronesian region. Over the following six years Guam  
 207 leaders watched as the NMI leaders quickly and  
 208 effectively negotiated a Covenant Agreement of  
 209 Commonwealth Status with the United States. Similar  
 210 political status developments of the 1970's and years  
 211 later on Guam were all unsuccessful. Both the CNMI

266 2009, and President of the Fifth Constitutional  
 267 Convention Gerard Luz James submitted it to Virgin  
 268 Islands Governor John P. de Jongh on June 1, 2009.  
 269 After initially declining to forward the proposal to the  
 270 "administering power" vested in the President of the  
 271 United States, Governor de Jongh sent the  
 272 constitutional draft to President Barack Obama in  
 273 December 2009. The proposed constitution was  
 274 submitted by the President to the United States  
 275 Congress on March 1, 2010. According to Pub.L. 94-  
 276 584, Congress has the power to approve, amend, or  
 277 modify the constitution by joint resolution, or the  
 278 constitution would be automatically approved if  
 279 Congress did not act within 60 days. Instead, Congress  
 280 passed Pub.L. 111-194 (124 Stat. 1309) which  
 281 provided that Congress would send the constitution  
 282 back to the convention and urge the convention to  
 283 reconvene. The objections of Governor de Jongh,  
 284 President Barack Obama, the U.S. Department of  
 285 Justice, and the U.S. Congress included the failure of  
 286 the proposed constitution to expressly recognize United  
 287 States sovereignty, its granting of legal advantages to  
 288 people of local ancestry or birth, and its imprecise  
 289 wording of parts of the bill of rights.  
 290 (21) On September 11, 2012, in response to Pub.L.  
 291 111-194 (124 Stat. 1309), Governor de Jongh signed  
 292 Act No. 7386 convening the Fifth Revision Convention.

293 It convened within the month of October 2012 and was  
 294 composed of the same 30 delegates of the Fifth  
 295 Constitutional Convention and the same appointed  
 296 legal team. Working with a 30 day deadline set by the  
 297 Legislature, the Convention failed to amend and submit  
 298 a constitutional draft in order to comply with the nine  
 299 terms specifically enumerated by the U.S. Department  
 300 of Justice, which were based on the document's  
 301 inconsistent portions with the U.S. Constitution and  
 302 federal law. The responsibility to draft a constitution  
 303 for approval by Congress and the President to be put  
 304 up for a ratification vote by the people of the U.S.  
 305 Virgin Islands legally has shifted to the Legislature of  
 306 the Virgin Islands. A constitution successfully ratified  
 307 by Congress, signed by the President, and ratified by a  
 308 majority of voters of the U.S. Virgin Islands would  
 309 result in the territory attaining permanent self-  
 310 government through commonwealth status.  
 311 (22) Under the Immigration and Nationality Act,  
 312 persons born in Puerto Rico, Guam, the United States  
 313 Virgin Islands, and the Northern Mariana Islands are  
 314 citizens of the United States at birth. Persons born in  
 315 the United States territory of American Samoa are  
 316 nationals of the United States, but not citizens, at  
 317 birth.  
 318 (23) The term national of the United States is defined  
 319 under the Immigration and Nationality Act to include

374 steps that the President and Congress shall take to  
 375 enable the admission of Puerto Rico as a State of the  
 376 Union;  
 377 (b) to provide for a federally authorized vote in Guam  
 378 on the question of whether Guam should reunify with  
 379 the Northern Mariana Islands in order to pursue a  
 380 greater political status and, if a majority of voters in  
 381 Guam vote for unification of Guam with the Northern  
 382 Mariana Islands, to describe the steps that the  
 383 President and Congress shall take to enable the  
 384 reunification of the Mariana Islands;  
 385 (c) to provide a deadline for the Legislature of the  
 386 Virgin Islands to submit a draft constitution for the  
 387 Virgin Islands of the United States to the President and  
 388 Congress for ratification and presentation to the voters  
 389 of the U.S. Virgin Islands in a ratification vote in order  
 390 for the U.S. Virgin Islands to attain commonwealth  
 391 status, and to describe the action that shall be taken if  
 392 this deadline is not met;  
 393 (d) to provide for a federally authorized vote in  
 394 American Samoa on the question of citizenship and the  
 395 official organization of American Samoa as an  
 396 organized territory of the United States and, if a  
 397 majority of voters vote for U.S. citizenship and  
 398 organization as a territory, to describe the steps that  
 399 the President and Congress shall take to enable  
 400 American Samoans to be granted U.S. citizenship and

320 persons who, though not citizens of the United States,  
 321 owe permanent allegiance to the United States.  
 322 (24) For more than 100 years, American Samoans who  
 323 are United States nationals have demonstrated their  
 324 loyalty and allegiance to the United States. On April  
 325 17, 1900, the village chiefs of Tutuila and Aunu'u  
 326 ceded their islands to the United States. On July 16,  
 327 1904, his Majesty King Tuimano'u of the Manu'a  
 328 Islands and his village chiefs did the same. On  
 329 February 20, 1929, the United States Congress  
 330 officially ratified the Treaty of Cession of Tutuila and  
 331 Aunu'u and the Treaty of Cession of Manu'a. On March  
 332 4, 1925, by Joint Resolution of the United States  
 333 Congress, American sovereignty was officially extended  
 334 over Swains Island and it was placed under the  
 335 jurisdiction of the government of American Samoa.  
 336 (25) Since ratification of the Treaties of Cession, many  
 337 American Samoans who are United States nationals  
 338 have joined the United States Armed Forces and fought  
 339 for the United States during World War II, the Korean,  
 340 Vietnam, and Persian Gulf wars, and most recently in  
 341 Iraq and Afghanistan.  
 342 (26) It is the responsibility of the Secretary of the  
 343 Interior to advance the economic, social and political  
 344 development of the territories of the United States.  
 345 (27) Unlike all other populated territories of the United  
 346 States, American Samoa is an unorganized territory of

401 to organize American Samoa as an organized territory  
 402 of the United States;  
 403 (e) and to provide for other purposes in support of the  
 404 spirit and terms of this Act.  
 405 **SEC. 4. DEFINITIONS.**  
 406 In this Act:  
 407 (1) Commonwealth.—  
 408 The term "commonwealth" means a territory that has  
 409 ratified its own constitution and therefore has  
 410 guaranteed its right to self-governance, which cannot  
 411 be unilaterally withdrawn.  
 412 (2) Organic act.—  
 413 The term "organic act" means an act of Congress that  
 414 officially establishes a territory of the United States or  
 415 an agency to manage certain federal lands.  
 416 (3) Organized territory.—  
 417 The term "organized territory" means a territory that  
 418 has been officially established by an organic act of  
 419 Congress, usually given a legal system of governance.  
 420 (4) Ratification vote.—  
 421 The term "ratification vote" means an election of all  
 422 eligible voters of a territory, in compliance with  
 423 universal suffrage guaranteed under Federal law, to  
 424 approve or reject a draft constitution to govern their  
 425 territory or any act of a legislature that has been  
 426 referred to them by a legislature.  
 427 (5) Referendum.—

347 the United States and is therefore administered by the  
 348 U.S. Department of the Interior. American Samoa is an  
 349 unorganized territory because Congress has not  
 350 provided the territory with an organic act. Instead,  
 351 Congress gave plenary authority over the territory to  
 352 the Secretary of the Interior, who in turn has allowed  
 353 limited self-government in American Samoa.  
 354 (28) As an unorganized territory, American Samoa  
 355 does not legally enjoy the guaranteed natural right of  
 356 self-governance, which the other organized territories  
 357 of the United States do enjoy, and therefore relies  
 358 upon the Secretary of the Interior to allow its residents  
 359 limited self-government.  
 360 (29) As an unorganized territory, American Samoa  
 361 does not have the right to pursue a greater political  
 362 status within the United States, including  
 363 commonwealth status or statehood, unlike Puerto Rico,  
 364 the Northern Mariana Islands, the U.S. Virgin Islands,  
 365 and Guam.  
 366 **SEC. 3. SCOPE AND PURPOSE.**  
 367 The purpose of this Act is to appropriately amend Title  
 368 48 of the United States Code and all other relevant  
 369 federal law in order:  
 370 (a) to provide for a federally authorized referendum in  
 371 Puerto Rico on the admission of Puerto Rico into the  
 372 Union as a State and, if a majority of voters ratify  
 373 Puerto Rico's desire for statehood, to describe the

428 The term "referendum" means an election of all eligible  
 429 voters of a territory, in compliance with universal  
 430 suffrage guaranteed under Federal law, to answer an  
 431 issue or issues of public importance in order to solicit  
 432 the appropriate action by Congress, the President, the  
 433 local legislative body, and all other authorities  
 434 involved, as desired by the people of the territory.  
 435 (6) Unincorporated territory.—  
 436 As loosely defined by the Supreme Court of the United  
 437 States, the term "unincorporated territory" means a  
 438 territory that are not an integral and permanent part of  
 439 the United States, and therefore is an area where the  
 440 United States Constitution does not necessarily apply  
 441 unless otherwise changed by Congress.  
 442 (7) Unorganized territory.—  
 443 The term "unorganized territory" means a territory for  
 444 which Congress has not enacted an organic act, and  
 445 therefore is a territory that is not established as a  
 446 territory of the United States and is usually subject to  
 447 plenary authority.  
 448 **SEC. 5. TO SET FORTH THE PROCESS FOR THE**  
 449 **ADMISSION OF PUERTO RICO TO THE UNION AS**  
 450 **A STATE OF THE UNITED STATES.**  
 451 (a) Referendum on the Admission of Puerto Rico to the  
 452 Union as a State of the United States—  
 453 The State Elections Commission of Puerto Rico is  
 454 authorized to provide for a referendum on the

455 admission of Puerto Rico into the Union as a State, in  
 456 accordance with rules and regulations determined by  
 457 the Commission in full observance of Federal voting  
 458 laws, including qualifications for voter eligibility, with  
 459 the following required to be visibly placed on the  
 460 ballot:  
 461 'As a State:  
 462 (A) Puerto Rico would be permanently united to the  
 463 other States of the Union.  
 464 (B) All provisions of the Constitution of the United  
 465 States that apply to the States would apply to Puerto  
 466 Rico.  
 467 (C) Individuals born in Puerto Rico would be United  
 468 States citizens by virtue of the Constitution of the  
 469 United States, instead of by virtue of laws of the United  
 470 States.  
 471 (D) Puerto Rico would be treated equally with the other  
 472 States in all Federal laws of general application.  
 473 (E) There would be a period of transition to statehood,  
 474 during which equal treatment of Puerto Rico in  
 475 program and tax laws would be phased in.  
 476 (F) Puerto Rico would be represented in the United  
 477 States Senate by two Senators, in the United States  
 478 House of Representatives by a number of  
 479 Representatives in proportion to its share of the  
 480 national population (and the number of Members of the  
 481 House of Representatives would be increased by the

536 unified politically with the organized territory of Guam,  
 537 consisting of the southernmost island of the Mariana  
 538 Islands and the only island of the archipelago not  
 539 included in the CNMI, adapting the CNMI's  
 540 commonwealth status as a completely unified and self-  
 541 governing Commonwealth of the Mariana Islands.  
 542 (B) Guam would be effectively elevated in political  
 543 status from organized territory status to  
 544 commonwealth status by uniting with the CNMI,  
 545 eliminating the need to separately pursue  
 546 commonwealth status.  
 547 (C) The population of the unified Mariana Islands would  
 548 exceed 200,000 persons, and would thus be eligible to  
 549 pursue statehood in the United States, a condition that  
 550 the CNMI cannot meet currently without Guam.  
 551 (D) No island, jurisdiction, or citizen of the Northern  
 552 Mariana Islands or Guam will lose currently standing  
 553 fair democratic representation, rights, privileges, or  
 554 protections in the new commonwealth government that  
 555 shall govern the unified Mariana Islands.  
 556 (E) The Mariana Islands, which all share a common  
 557 language and culture, would be united for the first time  
 558 since 1898, when Guam was divided separately from  
 559 the other Mariana Islands by Spain and ceded to the  
 560 United States.  
 561 Should Guam and the Commonwealth of the Northern  
 562 Mariana Islands (CNMI), reunify in the pursuit of a new

482 same number), and for the election of the President  
 483 and the Vice President of the United States by a  
 484 number of votes in the Electoral College equal to the  
 485 number of its Senators and Representatives.  
 486 (G) The Government of Puerto Rico, like the  
 487 governments of the other States, would have  
 488 permanent authority over all matters not delegated to  
 489 the Federal Government or the people by the  
 490 Constitution of the United States.  
 491 Do you want Puerto Rico to be admitted as a State of  
 492 the United States? Yes\_\_ No\_\_.'  
 493 (b) Commitment to Appropriate Action by the President  
 494 and Congress—  
 495 (1) Presidential Action  
 496 If a majority of votes cast in this officially sanctioned  
 497 referendum held under section 4 are in affirmation of  
 498 the admission of Puerto Rico as a State of the Union,  
 499 the President, not later than 180 days after the  
 500 certification of the vote, shall submit to Congress the  
 501 appropriate legislation to admit Puerto Rico as a State  
 502 of the Union with identical status as the several States  
 503 in all respects, consistent with the terms of this Act.  
 504 (2) Congressional Action  
 505 If a majority of votes cast in the referendum held  
 506 under section 4 are for the admission of Puerto Rico as  
 507 a State of the Union, this Act constitutes a legally-  
 508 binding commitment by Congress to act, through the

563 political status as the Commonwealth of the Mariana  
 564 Islands? Yes\_\_ No\_\_.'  
 565 (b) Commitment to Appropriate Action by the  
 566 President, Congress, and the governments of the  
 567 Northern Mariana Islands and Guam—  
 568 (1) Presidential Action  
 569 If a majority of votes cast in both officially sanctioned  
 570 referendums in the Northern Mariana Islands and  
 571 Guam are in affirmation of the reunification of the  
 572 Commonwealth of the Northern Mariana Islands and  
 573 the organized territory of Guam, the President, not  
 574 later than 180 days after the certification of the vote,  
 575 shall submit to Congress the appropriate legislation to  
 576 merge the organized territory of Guam with the  
 577 Commonwealth of the Northern Mariana Islands as the  
 578 Commonwealth of the Mariana Islands, with identical  
 579 status with all unincorporated commonwealths of the  
 580 United States and with all the rights and powers of  
 581 self-government, consistent with the terms of this Act  
 582 and The Covenant to Establish a Commonwealth of the  
 583 Northern Mariana Islands.  
 584 (2) Congressional Action  
 585 If a majority of votes cast in both officially sanctioned  
 586 referendums in the Northern Mariana Islands and  
 587 Guam are in affirmation of the reunification of the  
 588 Commonwealth of the Northern Mariana Islands and  
 589 the organized territory of Guam, this Act constitutes a

509 appropriate legislation, to admit Puerto Rico as a State  
 510 of the Union with identical status as the several States  
 511 in all respects, consistent with the terms of this Act.  
 512 **SEC. 6. TO SET FORTH THE PROCESS FOR THE**  
 513 **REUNIFICATION OF THE NORTHERN MARIANA**  
 514 **ISLANDS AND GUAM AS AN INTEGRATED**  
 515 **COMMONWEALTH.**  
 516 (a) Referendum on the Reunification of the Northern  
 517 Mariana Islands and Guam—  
 518 The Commonwealth Election Commission of the  
 519 Northern Marianas and the Guam Election Commission  
 520 shall both provide for separate referendums in their  
 521 respective jurisdictions on the unification of the  
 522 Commonwealth of the Northern Mariana Islands with  
 523 the organized territory of Guam to form a  
 524 Commonwealth of the Mariana Islands, in accordance  
 525 with rules and regulations determined by both  
 526 aforementioned Commissions in full observance of  
 527 Federal voting laws, including qualifications for voter  
 528 eligibility, with the following required to be visibly  
 529 placed on the ballot:  
 530 'If Reunification of the Commonwealth of the Northern  
 531 Mariana Islands and Guam were to occur:  
 532 (A) The Commonwealth of the Northern Mariana  
 533 Islands (CNMI), consisting of the islands of Rota,  
 534 Tinian, Saipan, and eleven other smaller and  
 535 uninhabited islands of the Mariana Islands, would be

590 legally-binding commitment by Congress to merge the  
 591 organized territory of Guam with the Commonwealth of  
 592 the Northern Mariana Islands as the Commonwealth of  
 593 the Mariana Islands, with identical status with all  
 594 unincorporated commonwealths of the United States  
 595 and with all the rights and powers of self-government,  
 596 consistent with the terms of this Act and The Covenant  
 597 to Establish a Commonwealth of the Northern Mariana  
 598 Islands.  
 599 (3) Constitution for the Commonwealth of the Mariana  
 600 Islands  
 601 If a majority of votes cast in both officially sanctioned  
 602 referendums in the Northern Mariana Islands and  
 603 Guam are in affirmation of the reunification of the  
 604 Commonwealth of the Northern Mariana Islands and  
 605 the organized territory of Guam, the Secretary of the  
 606 Interior, not later than 180 days after the certification  
 607 of the vote, shall organize a constitutional convention  
 608 with democratically-elected delegates from both the  
 609 Northern Mariana Islands and Guam, based on  
 610 representation of all citizens residing in the Mariana  
 611 Islands and fair representation of both the Northern  
 612 Mariana Islands and Guam, in order to draft a  
 613 constitution for the unified and self-governing  
 614 Commonwealth of the Mariana Islands, to be a  
 615 commonwealth of the United States, consistent with  
 616 terms of this Act, existing Federal law, and with The

617 Covenant to Establish a Commonwealth of the  
618 Northern Mariana Islands, with such a drafted  
619 constitution subject to ratification by a majority of the  
620 convention, the United States Congress, signature by  
621 the President of the United States, and approval by the  
622 majority of the voters of the Mariana Islands in an  
623 officially-sanctioned ratification vote, in order to  
624 formally establish the Commonwealth of the Mariana  
625 Islands under the authority of its own constitution and  
626 the U.S. Constitution.

627 **SEC. 7. TO SET FORTH THE PROCESS FOR THE**  
628 **U.S. VIRGIN ISLANDS TO GAIN COMMONWEALTH**  
629 **STATUS.**

630 (a) Congress shall set a deadline of 365 days for the  
631 Legislature of the Virgin Islands to submit to the  
632 President and Congress a revised constitution for the  
633 Virgin Islands of the United States (U.S. Virgin Islands)  
634 in order for the organized territory to achieve  
635 constitutionally protected self-government and full  
636 commonwealth status, equal in standing to all current  
637 unincorporated commonwealths; and upon ratification  
638 by Congress and signature by the President, Congress  
639 shall submit the newly amended constitutional draft to  
640 an officially-sanctioned ratification vote of the voters of  
641 the U.S. Virgin Islands.

642 (b) If the deadline of 365 days passes without the  
643 submission of a consistent constitutional draft,

697 States, as described in the separate second question of  
698 this ballot.

699 Do you want persons born in American Samoa to  
700 become United States citizens? Yes \_\_\_ No \_\_\_.

701 (2) Question on American Samoa becoming an  
702 Organized Territory of the United States

703 As an Organized Territory of the United States:

704 (A) American Samoa would cease to be administered  
705 by the U.S. Department of the Interior and the U.S.  
706 Constitution would extend by act of Congress to  
707 American Samoa and its residents.

708 (B) American Samoa would be officially organized as a  
709 self-governing unit by right of the people when the  
710 United States Congress provides the territory with an  
711 organic act.

712 (C) American Samoa would possess equal political  
713 status with two other unincorporated territories of the  
714 United States, Guam and the U.S. Virgin Islands.

715 (D) American Samoa would have the right to pursue a  
716 greater political status within the United States,  
717 including commonwealth status or statehood, if the  
718 legal conditions are met appropriately and the majority  
719 of the registered voters of American Samoa give their  
720 support in a later ratification vote.

721 Note: The results of this second question below are  
722 contingent upon a majority vote of affirmation (a

644 Congress shall be responsible for amending the  
645 constitutional draft, submitted by the Fifth  
646 Constitutional Convention of the U.S. Virgin Islands to  
647 the President, and subsequently by the President to  
648 Congress on March 1, 2010, in order to comply with  
649 the U.S. Constitution and Federal law as previously  
650 outlined by the U.S. Department of Justice, and shall  
651 submit the newly amended constitutional draft to an  
652 officially-sanctioned ratification vote of the voters of  
653 the U.S. Virgin Islands.

654 (c) If a majority of votes cast in the officially  
655 sanctioned ratification vote on the constitutional draft  
656 are in affirmation of the adoption of the presented  
657 constitution of the U.S. Virgin Islands, the President,  
658 not later than 180 days after the certification of the  
659 vote, shall officially recognize the 'Commonwealth of  
660 the Virgin Islands of the United States' as an  
661 unincorporated commonwealth of the United States,  
662 fully equal in status to all currently unincorporated  
663 commonwealths of the United States.

664 **SEC. 8. TO SET FORTH THE PROCESS FOR U.S.**  
665 **CITIZENSHIP TO BE EXTENDED TO U.S.**  
666 **NATIONALS OF AMERICAN SAMOA AND TO**  
667 **PROVIDE AN ORGANIC ACT FOR AMERICAN**  
668 **SAMOA.**

669 (a) The Secretary of the Interior shall direct the  
670 American Samoa Election Office to conduct a

723 majority of responses of 'Yes') in the first question of  
724 the ballot on U.S. citizenship for American Samoans.

725 Do you want the currently unorganized territory of  
726 American Samoa to become an organized territory of  
727 the United States, in the pursuit of a greater political  
728 status? Yes \_\_\_ No \_\_\_.

729 (b) Commitment to Appropriate Action by the President  
730 and Congress—

731 (1) Presidential Action

732 If a majority of votes cast in this officially sanctioned  
733 referendum are in affirmation of U.S. citizenship for the  
734 people of American Samoa, the President, not later  
735 than 180 days after the certification of the vote, shall  
736 submit to Congress the appropriate legislation to grant  
737 full U.S. citizenship to all U.S. nationals residing in  
738 American Samoa and grant all individuals born in  
739 American Samoa the right of birth to U.S. citizenship  
740 guaranteed by the Fourteenth Amendment to the  
741 United States Constitution, and consistent with the  
742 terms of this Act. If a majority of votes cast in this  
743 same officially sanctioned referendum are in  
744 affirmation of organization of American Samoa as an  
745 organized territory of the United States, contingent  
746 upon a majority of votes cast in this same officially  
747 sanctioned referendum being in affirmation of U.S.  
748 citizenship for the people of American Samoa, the  
749 President, not later than 180 days after the

671 referendum on the two issues of whether persons born  
672 in American Samoa desire United States citizenship,  
673 and whether Congress should draft an organic act for  
674 American Samoa in order to formally organize the  
675 territory as a self-governing unit with the right to  
676 pursue greater political status, with such referendum in  
677 accordance with rules and regulations determined by  
678 the American Samoa Election Office and the Secretary  
679 of the Interior in full observance of Federal voting laws,  
680 including qualifications for voter eligibility, with the  
681 following required to be visibly placed on the ballot:

682 '(1) Question on United States Citizenship for American  
683 Samoans

684 As United States Citizens:

685 (A) Individuals born in American Samoa would be  
686 United States citizens by Federal law.  
687 (B) All persons living in American Samoa who are  
688 currently United States nationals will become United  
689 States citizens.

690 Note: The results of this first question of this ballot  
691 shall determine whether the second question of this  
692 ballot is adopted. If the results of the this first question  
693 yield a majority vote of affirmation (a majority of  
694 responses of 'Yes') on the accepting U.S. citizenship,  
695 American Samoa will have the right to pursue a greater  
696 political status as an organized territory of the United

750 certification of the vote, shall submit to Congress an  
751 organic act and all other relevant legislation to  
752 organize American Samoa officially as an organized  
753 territory of the United States, conferring upon the  
754 people of American Samoa the natural right of limited  
755 self-government and giving American Samoa a political  
756 status equal to the current status of Guam and the  
757 U.S. Virgin Islands, presently organized territories of  
758 the United States, consistent with the terms of this  
759 Act.

760 (2) Congressional Action

761 If a majority of votes cast in this officially sanctioned  
762 referendum are in affirmation of U.S. citizenship for the  
763 people of American Samoa, this Act constitutes a  
764 legally-binding commitment by Congress to act in  
765 order to grant full U.S. citizenship to all U.S. nationals  
766 residing in American Samoa and grant all individuals  
767 born in American Samoa the right of birth to U.S.  
768 citizenship guaranteed by the Fourteenth Amendment  
769 to the United States Constitution, and consistent with  
770 the terms of this Act. If a majority of votes cast in this  
771 same officially sanctioned referendum are in  
772 affirmation of organization of American Samoa as an  
773 organized territory of the United States, contingent  
774 upon a majority of votes cast in this same officially  
775 sanctioned referendum being in affirmation of U.S.  
776 citizenship for the people of American Samoa, this Act

777 constitutes a legally-binding commitment by Congress  
778 to enact an organic act for American Samoa and all  
779 other appropriate legislation, officially organizing  
780 American Samoa as an organized territory of the  
781 United States, and conferring upon the people of  
782 American Samoa the natural right of limited self-  
783 government and giving American Samoa a political  
784 status equal to the current status of Guam and the  
785 U.S. Virgin Islands, presently organized,  
786 unincorporated territories of the United States,  
787 consistent with the terms of this Act.

788 **SEC. 9. APPROPRIATIONS.**

789 The Department of Interior will be in charge of funding  
790 and overseeing all local election commissions and  
791 authorities in their efforts to organize the referendums  
792 and ratification votes mandated by this Act.

793 **SEC. 10. EFFECTIVE DATE.**

794 All sections of this Act shall go into effect six months  
795 after passage.

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