

United States General Accounting Office

GAO

Report to the Chairman, Committee on
Resources, House of Representatives

November 1997

U.S. INSULAR AREAS

Application of the U.S. Constitution





United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

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November 7, 1997

The Honorable Don Young
Chairman
Committee on Resources
House of Representatives

Dear Mr. Chairman:

More than 4 million U.S. citizens and nationals live in insular areas¹ under the jurisdiction of the United States. The Territorial Clause of the Constitution authorizes the Congress to "make all needful Rules and Regulations respecting the Territory or other Property" of the United States.² Relying on the Territorial Clause, the Congress has enacted legislation making some provisions of the Constitution explicitly applicable in the insular areas. In addition to this congressional action, courts from time to time have ruled on the application of constitutional provisions to one or more of the insular areas.

You asked us to update our 1991 report to you on the applicability of provisions of the Constitution to five insular areas: Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands (the CNMI), American Samoa, and Guam. You asked specifically about significant judicial and legislative developments concerning the political or tax status of these areas, as well as court decisions since our earlier report involving the applicability of constitutional provisions to these areas. We have included this information in appendix I.

¹As we did in our 1991 report on this issue, *Applicability of Relevant Provisions of the U.S. Constitution* (GAO/HRD-91-18, June 20, 1991), we use the phrase "insular areas" to include all territories over which the United States exercises sovereignty. Each of these areas has a unique historical and legal relationship with the United States.

²U.S. Const. art. IV, § 3, cl. 2.