

(Pub. L. 93-435, § 4, Oct. 5, 1974, 88 Stat. 1212.)

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 93-435, Oct. 5, 1974, 88 Stat. 1210, as amended, which enacted sections 1705 to 1708 of this title, amended section 1545 of this title, and repealed sections 1701 to 1703 of this title. For complete classification of this Act to the Code, see Tables.

The amendment made by this Act, referred to in text, means the amendment made by section 3 of Pub. L. 93-435 to section 1545(b) of this title.

#### § 1708. Discrimination prohibited in rights of access to, and benefits from, conveyed lands

No person shall be denied access to, or any of the benefits accruing from, the lands conveyed by this Act, or by the amendment made by this Act, on the basis of race, religion, creed, color, sex, national origin, or ancestry: *Provided, however*, That this section shall not be construed in derogation of any of the provisions of the April 17, 1900 cession of Tutuila and Aunuu or the July 16, 1904 cession of the Manu's Islands, as ratified by the Act of February 20, 1929 (45 Stat. 1253) and the Act of May 22, 1929 (46 Stat. 4).

(Pub. L. 93-435, § 6, Oct. 5, 1974, 88 Stat. 1212.)

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 93-435, Oct. 5, 1974, 88 Stat. 1210, as amended, which enacted sections 1705 to 1708 of this title, amended section 1545 of this title, and repealed sections 1701 to 1703 of this title. For complete classification of this Act to the Code, see Tables.

The amendment made by this Act, referred to in text, means the amendment made by section 3 of Pub. L. 93-435 to section 1545(b) of this title.

Act of February 20, 1929, referred to in text, is act Feb. 20, 1929, ch. 281, 45 Stat. 1253, as amended, which enacted section 1661 of this title.

Act of May 22, 1929, referred to in text, is act May 22, 1929, ch. 6, 46 Stat. 4, which amended section 1661 of this title.

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#### SUBCHAPTER I—GUAM AND VIRGIN ISLANDS

#### § 1711. Delegate to House of Representatives from Guam and Virgin Islands

The territory of Guam and the territory of the Virgin Islands each shall be represented in the United States Congress by a nonvoting Delegate to the House of Representatives, elected as hereinafter provided.

(Pub. L. 92-271, § 1, Apr. 10, 1972, 86 Stat. 118.)

#### § 1712. Election of delegates; majority; runoff election; vacancy; commencement of term

(a) The Delegate shall be elected by the people qualified to vote for the members of the legislature of the territory he is to represent at the general election of 1972, and thereafter at such general election every second year thereafter. The Delegate from the Virgin Islands shall be elected at large, by separate ballot and by a majority of the votes cast for the office of Delegate. The Delegate from Guam shall be elected at large and by a majority of the votes cast for the office of Delegate. If no candidate receives such majority, on the fourteenth day following such election a runoff election shall be held between the candidates receiving the highest and the second highest number of votes cast for the office of Delegate. In case of a permanent vacancy in the office of Delegate, by reason of death, resignation, or permanent disability, the office of Delegate shall remain vacant until a successor shall have been elected and qualified.

(b) The term of the Delegate shall commence on the third day of January following the date of the election.

(Pub. L. 92-271, § 2, Apr. 10, 1972, 86 Stat. 119; Pub. L. 105-209, § 1, July 29, 1998, 112 Stat. 880.)

#### AMENDMENTS

1998—Subsec. (a). Pub. L. 105-209 inserted “from the Virgin Islands” before “shall be elected at large” and inserted “The Delegate from Guam shall be elected at large and by a majority of the votes cast for the office of Delegate.” before “If no candidate receives such majority”.

#### § 1713. Qualifications for Office of Delegate

To be eligible for the Office of Delegate a candidate must—

(a) be at least twenty-five years of age on the date of the election,

(b) have been a citizen of the United States for at least seven years prior to the date of the election,

(c) be an inhabitant of the territory from which he is elected, and

(d) not be, on the date of the election, a candidate for any other office.

(Pub. L. 92-271, § 3, Apr. 10, 1972, 86 Stat. 119.)

**§ 1714. Territorial legislature; determination of election procedure**

The legislature of each territory may determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for herein.

(Pub. L. 92-271, § 4, Apr. 10, 1972, 86 Stat. 119.)

**§ 1715. Operation of Office; House privileges; compensation, allowances, and benefits; privileges and immunities; voting in committee**

The Delegate from Guam and the Delegate from the Virgin Islands shall have such privileges in the House of Representatives as may be afforded him under the Rules of the House of Representatives. Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from each territory shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may be, granted to the Resident Commissioner for Puerto Rico: *Provided*, That the right to vote in committee shall be as provided by the Rules of the House of Representatives.

(Pub. L. 92-271, § 5, Apr. 10, 1972, 86 Stat. 119; Pub. L. 104-186, title II, § 224(4), Aug. 20, 1996, 110 Stat. 1752.)

AMENDMENTS

1996—Pub. L. 104-186 struck out last two provisos which read as follows: “*Provided further*, That the clerk hire allowance of each Delegate shall be a single per annum gross rate that is 60 per centum of the clerk hire allowance of a Member: *Provided further*, That the transportation expenses of each Delegate that are subject to reimbursement under section 43b of title 2 shall not exceed the cost of four round trips each year.”

SUBCHAPTER II—AMERICAN SAMOA

**§ 1731. Delegate to House of Representatives from American Samoa**

The Territory of American Samoa shall be represented in the United States Congress by a nonvoting Delegate to the House of Representatives, elected as hereinafter provided.

(Pub. L. 95-556, § 1, Oct. 31, 1978, 92 Stat. 2078.)

**§ 1732. Election of delegates**

**(a) In general; plurality vote; vacancy**

The Delegate shall be elected by the people qualified to vote for the popularly elected officials of the Territory of American Samoa at the general Federal election of 1980, and thereafter at such general election every second year thereafter. The Delegate shall be elected at large, by separate ballot, and by a plurality of the votes cast for the office of Delegate. In case of a permanent vacancy in the office of Delegate, by reason of death, resignation, or perma-

nent disability, the office of Delegate shall remain vacant until a successor shall have been elected and qualified.

**(b) Commencement of term**

The term of the Delegate shall commence on the third day of January following the date of the election.

**(c) Establishment of primary elections**

The legislature of American Samoa may, but is not required to, provide for primary elections for the election of Delegate.

**(d) Effect of establishment of primary elections**

Notwithstanding subsection (a) of this section, if the legislature of American Samoa provides for primary elections for the election of Delegate, the Delegate shall be elected by a majority of votes cast in any subsequent general election for the office of Delegate for which such primary elections were held.

(Pub. L. 95-556, § 2, Oct. 31, 1978, 92 Stat. 2078; Pub. L. 108-376, § 2, Oct. 30, 2004, 118 Stat. 2200.)

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-376, § 2(1), substituted “plurality of the votes cast” for “majority of the votes cast” and struck out “If no candidate receives such majority, on the fourteenth day following such election a runoff election shall be held between the candidates receiving the highest and the second highest number of votes cast for the office of Delegate.” before “In case of”.

Subsecs. (c), (d). Pub. L. 108-376, § 2(2), added subsecs. (c) and (d).

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-376, § 3, Oct. 30, 2004, 118 Stat. 2201, provided that: “The amendments made by paragraph (1) of section 2 [amending subsec. (a) of this section] shall take effect on January 1, 2006. The amendment made by paragraph (2) of section 2 [adding subsecs. (c) and (d) of this section] shall take effect on January 1, 2005.”

FINDINGS

Pub. L. 108-376, § 1, Oct. 30, 2004, 118 Stat. 2200, provided that: “Congress finds the following:

“(1) It is in the national interest that qualifying members of the Armed Forces on active duty and other overseas voters be allowed to vote in Federal elections.

“(2) Since 1980, when the first election for the Congressional Delegate from American Samoa was held, general elections have been held in the first week of November in even-numbered years and runoff elections have been held 2 weeks later.

“(3) This practice of holding a run-off election 2 weeks after a general election deprives members of the Armed Forces on active duty and other overseas voters of the opportunity to participate in the Federal election process in American Samoa.

“(4) Prior to and since September 11, 2001, and due to limited air service, mail delays, and other considerations, it has been and remains impossible for absentee ballots to be prepared and returned within a 2-week period.

“(5) American Samoa law requiring members of the Armed Forces on active duty and other overseas voters to register in person also prevents participation in the Federal election process and is contrary to the Uniformed and Overseas Citizens Absentee Voting Act [42 U.S.C. 1973ff et seq.].

“(6) Given that 49 states elect their Representatives to the United States House of Representatives by plurality, it is in the national interest for American Samoa to do the same until such time as the Amer-