

covered by tidal waters up to the line of mean high tide and extending seaward to a line three geographical miles distant from those areas of the coastline that are adjacent to the leased lands described in the Lease.

Nothing in this proclamation is intended to affect the authority of the Secretary of the Interior (Secretary) under section 1(b) of the Act to subsequently convey the submerged lands adjacent to the islands of Farallon de Pajaros (Uracas), Maug, and Asuncion when the Secretary, the Secretary of Commerce, and the Government of the Commonwealth of the Northern Mariana Islands have entered into an agreement for coordination of management that ensures the protection of the marine national monument within the excepted area described above. Furthermore, nothing in this proclamation is intended to affect the authority of the Secretary under section 1(b) of the Act to subsequently convey the submerged lands adjacent to the land leased by the United States on the islands of Tinian or Farallon de Medinilla when the Secretary of the Navy and the Government of the Commonwealth of the Northern Mariana Islands have entered into an agreement that ensures protection of military training within the excepted area.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of January, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

BARACK OBAMA.

#### § 1706. Reserved rights

##### (a) Establishment of naval defense sea areas and airspace reservations

Nothing in this Act shall affect the right of the President to establish naval defensive sea areas and naval airspace reservations around and over the islands of Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Virgin Islands when deemed necessary for national defense.

##### (b) Navigation; flood control; power production

Nothing in this Act shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of the lands transferred by section 1705 of this title, and the navigable waters overlying such lands, for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control or the production of power.

##### (c) Navigational servitude and powers of regulation for purposes of commerce, navigation, national defense, and international affairs

The United States retains all of its navigational servitude and rights in and powers of regulation and control of the lands conveyed by section 1705 of this title, and the navigable waters overlying such lands, for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically conveyed to the government of Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, or American Samoa, as the case may be, by section 1705 of this title.

##### (d) Status of lands beyond the three-mile limit

Nothing in this Act shall affect the status of lands beyond the three-mile limit described in section 1705 of this title.

(Pub. L. 93-435, § 2, Oct. 5, 1974, 88 Stat. 1211; Pub. L. 113-34, § 1(a), Sept. 18, 2013, 127 Stat. 518.)

#### REFERENCES IN TEXT

This Act, referred to in subsecs. (a), (b), and (d), 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.

#### AMENDMENTS

2013—Subsecs. (a), (c). Pub. L. 113-34 inserted “the Commonwealth of the Northern Mariana Islands,” after “Guam.”

#### § 1707. Payment of rents, royalties, and fees to local government

On and after the date of enactment of this Act, all rents, royalties, or fees from leases, permits, or use rights, issued prior to such date of enactment by the United States with respect to the land conveyed by this Act, or by the amendment made by this Act, and rights of action for damages for trespass occupancies of such lands shall accrue and belong to the appropriate local government under whose jurisdiction the land is located.

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

#### REFERENCES IN TEXT

Date of enactment, referred to in text, is the date of enactment of Pub. L. 93-435, which was approved Oct. 5, 1974.

This Act, referred to in text, is Pub. L. 93-435, Oct. 5, 1974, 88 Stat. 1210, 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.

#### REFERENCES TO “DATE OF ENACTMENT”

For the purposes of the amendment made by subsection (a) of section 1 of Pub. L. 113-34, amending sections 1705 and 1706 of this title, the references to “date of enactment” in text shall be considered to be references to Sept. 18, 2013, see section 1(b) of Pub. L. 113-34, set out as a note under section 1705 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.

## CHAPTER 16—DELEGATES TO CONGRESS

### SUBCHAPTER I—GUAM AND VIRGIN ISLANDS

Sec.

- 1711. Delegate to House of Representatives from Guam and Virgin Islands.
- 1712. Election of delegates; majority; runoff election; vacancy; commencement of term.
- 1713. Qualifications for Office of Delegate.
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### SUBCHAPTER II—AMERICAN SAMOA

- 1731. Delegate to House of Representatives from American Samoa.
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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 com-