

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 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.)

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88 Stat. 1210, as amended, which enacted sections 1705 to 1708 of this title, amended section 1545 of this title, and repealed sections 1701 to 1703 of this title.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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1545, 1707, 1708 of this title.

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

On and after October 5, 1974, all rents, royalties, or fees from leases, permits, or use rights, issued prior to October 5, 1974, 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

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1545, 1706, 1708 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1545, 1706, 1707 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.
- 1714. Territorial legislature; determination of election procedure.
- 1715. Operation of Office; House privileges; compensation, allowances, and benefits; privileges and immunities; voting in committee.

SUBCHAPTER II—AMERICAN SAMOA

- 1731. Delegate to House of Representatives from American Samoa.
- 1732. Election of delegates; majority; runoff election; vacancy; commencement of term.
- 1733. Qualifications for Office of Delegate.
- 1734. Territorial government; determination of election procedure.
- 1735. Operation of Office; compensation, allowances, and benefits; privileges and immunities.

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 shall be elected at large, by separate ballot 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.)

§ 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 Puer-

to 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.)

CODIFICATION

The last two provisos of this section, which provided 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 and 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, were omitted as superseded by sections 1421k-1 and 1596 of this title.

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; majority; runoff election; vacancy; commencement of term

(a) 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 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. 95-556, § 2, Oct. 31, 1978, 92 Stat. 2078.)

§ 1733. Qualifications for Office of Delegate

To be eligible for the office of Delegate a candidate shall—

- (a) be at least twenty-five years of age on the date of the election;
- (b) owe allegiance to the United States;
- (c) be an inhabitant of the Territory of American Samoa; and
- (d) not be, on the date of the election, a candidate for any other office.

(Pub. L. 95-556, § 3, Oct. 31, 1978, 92 Stat. 2078; Pub. L. 95-584, § 3, Nov. 2, 1978, 92 Stat. 2483.)

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-584 substituted allegiance requirement for provision requiring United States citizenship for at least seven years prior to the date of the election.

§ 1734. Territorial government; determination of election procedure

Acting pursuant to legislation enacted in accordance with section 9, article II of the American Samoan Revised Constitution, the territorial government will 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. 95-556, § 4, Oct. 31, 1978, 92 Stat. 2078.)

§ 1735. Operation of Office; compensation, allowances, and benefits; privileges and immunities

Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from American Samoa 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 that are, or hereinafter may be, granted to the nonvoting Delegate from the Territory of Guam.

(Pub. L. 95-556, § 5, Oct. 31, 1978, 92 Stat. 2078; Pub. L. 97-357, title IV, § 401, Oct. 19, 1982, 96 Stat. 1711.)

AMENDMENTS

1982—Pub. L. 97-357 struck out proviso limiting clerk hire allowance for Delegate from American Samoa to 50 per centum of clerk hire allowance of a Member of House of Representatives.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 401 of Pub. L. 97-357 provided that amendment made by that section is effective Jan. 1, 1983.

CHAPTER 17—NORTHERN MARIANA ISLANDS

SUBCHAPTER I—APPROVAL OF COVENANT AND SUPPLEMENTAL PROVISIONS

- Sec. 1801. Approval of Covenant to Establish a Commonwealth of the Northern Mariana Islands.
- 1802. Consideration of issues affecting relations with United States.
- 1803. Financial assistance to Government of Northern Mariana Islands.
- 1804. Continuing financial assistance.
- 1805. Failure to meet performance standards; resolution of issues; withholding of funds.

SUBCHAPTER II—JUDICIAL MATTERS

- 1821. District Court for the Northern Mariana Islands.
 - (a) Establishment; judicial circuit; terms of court.
 - (b) Appointment, tenure, removal, compensation, etc., of District Court judge; appointment of United States attorney and United States marshal.
 - (c) Applicability of Federal rules and statutory requirements.
- 1822. Jurisdiction of District Court; original jurisdiction; procedural requirements.
- 1823. Appellate jurisdiction of District Court; procedure; review by United States Court of Appeals for Ninth Circuit; rules.

- Sec. (a) Appellate jurisdiction of District Court.
- (b) Appellate division of District Court; quorum; presiding judge; designation of judges; decisions.
- (c) United States Court of Appeals for Ninth Circuit; jurisdiction; appeals; rules.
- 1824. Relations between courts of United States and courts of Northern Mariana Islands; applicability of statutory provisions.
- 1825. Effective date.
- 1826. Authorization of appropriations.

SUBCHAPTER III—MISCELLANEOUS

- 1841. Funds and services.
 - (a) Acquisition and construction of powerplant and distribution facilities.
 - (b) Services and facilities of Federal agencies; grants-in-aid; availability of appropriations in succeeding fiscal years.
 - (c) Food stamps and distribution of donated foods.
 - (d) Administration and enforcement of revenue and taxation provisions of Covenant.
- 1842. Covering into Commonwealth treasury of tax proceeds collected pursuant to Covenant.
- 1843. Exemption from taxation for income derived from sources within Commonwealth.
 - (a) Taxable years beginning after December 31, 1978, but not after January 1, 1985.
 - (b) Taxable years beginning after December 31, 1980, and before January 1, 1982.
 - (c) Tax rebates.
- 1844. Political union between Territory of Guam and Commonwealth of Northern Mariana Islands.
- 1845. Plans for development, utilization, and conservation of water and related land resources.
- 1846. Exemption from assessment and taxation of real property owned by Commonwealth in United States capital.

SUBCHAPTER I—APPROVAL OF COVENANT AND SUPPLEMENTAL PROVISIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1421q-1, 1469a-1, 1574-1, 1821, 1841, 1842, 1843, 1908 of this title; title 16 section 1453.

§ 1801. Approval of Covenant to Establish a Commonwealth of the Northern Mariana Islands

The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the text of which is as follows, is hereby approved. (Pub. L. 94-241, § 1, Mar. 24, 1976, 90 Stat. 263.)

REFERENCES IN TEXT

The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, referred to in text, which was contained in this section (section 1 of Pub. L. 94-241), is set out as a note below.

CODIFICATION

Section was formerly set out as a note under section 1681 of this title.