

Public Law 95-556  
95th Congress

An Act

Oct. 31, 1978  
[H.R. 13702]

To provide that the Territory of American Samoa be represented by a nonvoting Delegate to the United States House of Representatives, and for other purposes.

Territory of  
American  
Samoa.  
Nonvoting  
Delegate to  
U.S. House of  
Representatives.  
48 USC 1731.  
Election.  
48 USC 1732.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That 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.

SEC. 2. (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.

Term.

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

Eligibility.  
48 USC 1733.

SEC. 3. 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) have been a United States citizen for at least seven years prior to the date of the election;
- (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.

48 USC 1734.

SEC. 4. 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.

Compensation.  
48 USC 1735.

SEC. 5. 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 non-voting Delegate from the Territory of Guam: *Provided*, That the clerk hire allowance for the Delegate from American Samoa shall be a single per annum gross rate that is 50 per centum of the clerk hire allowance of a Member of the House of Representatives.

Approved October 31, 1978.

#### LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1458 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 124 (1978):

Oct. 3, considered and passed House.

Oct. 13, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 14, No. 44:

Oct. 31, Presidential statement.