

Union Calendar No. 473

108TH CONGRESS
2^D SESSION

H. R. 5135

[Report No. 108-761]

To provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Mariana Islands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2004

Mr. POMBO (for himself, Mr. RAHALL, Mr. FLAKE, Mr. YOUNG of Alaska, Mr. BURTON of Indiana, Mr. WALDEN of Oregon, Mr. COLE, Ms. BORDALLO, Mr. REHBERG, and Mr. ABERCROMBIE) introduced the following bill; which was referred to the Committee on Resources

OCTOBER 7, 2004

Additional sponsors: Mr. CASE, Mr. BLUNT, Mr. GILCHREST, Mrs. CHRISTENSEN, Mr. CARDOZA, Mr. SCOTT of Georgia, Mr. FALEOMAVAEGA, and Mr. RADANOVICH

OCTOBER 7, 2004

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Mariana Islands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Northern Mariana Is-

5 lands Delegate Act”.

6 **SEC. 2. DELEGATE TO HOUSE OF REPRESENTATIVES FROM**
7 **COMMONWEALTH OF THE NORTHERN MAR-**
8 **IANA ISLANDS.**

9 The Commonwealth of the Northern Mariana Islands

10 shall be represented in the United States Congress by the

11 Resident Representative to the United States authorized

12 by section 901 of the Covenant to Establish a Common-

13 wealth of the Northern Mariana Islands in Political Union

14 with the United States of America (approved by Public

15 Law 94–241 (48 U.S.C. 1801 et seq.)). The Resident Rep-

16 resentative shall be a nonvoting Delegate to the House of

17 Representatives, elected as provided in this Act.

18 **SEC. 3. ELECTION OF DELEGATE.**

19 (a) ELECTORS AND TIME OF ELECTION.—The Dele-

20 gate shall be elected—

21 (1) by the people qualified to vote for the popu-

22 larly elected officials of the Commonwealth of the

23 Northern Mariana Islands; and

1 (2) at the Federal general election of 2006 and
2 at such Federal general election every 2d year there-
3 after.

4 (b) MANNER OF ELECTION.—

5 (1) IN GENERAL.—The Delegate shall be elect-
6 ed at large and by a plurality of the votes cast for
7 the office of Delegate.

8 (2) EFFECT OF ESTABLISHMENT OF PRIMARY
9 ELECTIONS.—Notwithstanding paragraph (1), if the
10 Government of the Commonwealth of the Northern
11 Mariana Islands, acting pursuant to legislation en-
12 acted in accordance with the Constitution of the
13 Commonwealth of the Northern Mariana Islands,
14 provides for primary elections for the election of the
15 Delegate, the Delegate shall be elected by a majority
16 of the votes cast in any general election for the of-
17 fice of Delegate for which such primary elections
18 were held.

19 (c) VACANCY.—In case of a permanent vacancy in the
20 office of Delegate, the office of Delegate shall remain va-
21 cant until a successor is elected and qualified.

22 (d) COMMENCEMENT OF TERM.—The term of the
23 Delegate shall commence on the 3d day of January fol-
24 lowing the date of the election.

1 **SEC. 4. QUALIFICATIONS FOR OFFICE OF DELEGATE.**

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

4 (1) be at least 25 years of age on the date of
5 the election;

6 (2) have been a citizen of the United States for
7 at least 7 years prior to the date of the election;

8 (3) be a resident and domiciliary of the Com-
9 monwealth of the Northern Mariana Islands for at
10 least 7 years prior to the date of the election;

11 (4) be qualified to vote in the Commonwealth of
12 the Northern Mariana Islands on the date of the
13 election; and

14 (5) not be, on the date of the election, a can-
15 didate for any other office.

16 **SEC. 5. DETERMINATION OF ELECTION PROCEDURE.**

17 Acting pursuant to legislation enacted in accordance
18 with the Constitution of the Commonwealth of the North-
19 ern Mariana Islands, the Government of the Common-
20 wealth of the Northern Mariana Islands may determine
21 the order of names on the ballot for election of Delegate,
22 the method by which a special election to fill a permanent
23 vacancy in the office of Delegate shall be conducted, the
24 method by which ties between candidates for the office of
25 Delegate shall be resolved, and all other matters of local

1 application pertaining to the election and the office of Del-
2 egate not otherwise expressly provided for in this Act.

3 **SEC. 6. COMPENSATION, PRIVILEGES, AND IMMUNITIES.**

4 Until the Rules of the House of Representatives are
5 amended to provide otherwise, the Delegate from the Com-
6 monwealth of the Northern Mariana Islands shall receive
7 the same compensation, allowances, and benefits as a
8 Member of the House of Representatives, and shall be en-
9 titled to whatever privileges and immunities are, or herein-
10 after may be, granted to any other nonvoting Delegate to
11 the House of Representatives.

12 **SEC. 7. LACK OF EFFECT ON COVENANT.**

13 No provision of this Act shall be construed to alter,
14 amend, or abrogate any provision of the covenant referred
15 to in section 2 except section 901 of the covenant.

16 **SEC. 8. DEFINITION.**

17 For purposes of this Act, the term “Delegate” means
18 the Resident Representative referred to in section 2.

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