

Section 1510, acts Apr. 30, 1900, ch. 339, §73(g), 31 Stat. 154; May 27, 1910, ch. 258, §5, 36 Stat. 444; July 9, 1921, ch. 42, §304, 42 Stat. 117, restricted conveyance or other transfer of public lands in Hawaii to aliens. Section was also classified to section 668 of this title.

Section 1511, acts Apr. 30, 1900, ch. 338, §73(j), 31 Stat. 154; May 27, 1910, ch. 258, §5, 36 Stat. 444; July 9, 1921, ch. 42, §306, 42 Stat. 118, gave commissioner, with approval of governor, the right to give preferences in purchasing of public lands. Section was also classified to section 671 of this title.

Section 1512, acts Apr. 30, 1900, ch. 339, §73(l), 31 Stat. 154; May 27, 1910, ch. 258, §5, 36 Stat. 444; July 9, 1921, ch. 42, §308, 42 Stat. 118, authorized sale of agricultural land in Hawaii for residential purposes to persons declaring intention to become citizens. Section was also classified to section 673 of this title.

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CONSTITUTIONS FOR VIRGIN ISLANDS AND GUAM: ESTABLISHMENT; CONGRESSIONAL AUTHORIZATION

Pub. L. 94-584, Oct. 21, 1976, 90 Stat. 2899, as amended by Pub. L. 96-597, title V, §501, Dec. 24, 1980, 94 Stat. 3479, provided:

“[Section 1. Authorization to organize governments] That the Congress, recognizing the basic democratic principle of government by the consent of the governed, authorizes the peoples of the Virgin Islands and of Guam, respectively, to organize governments pursuant to constitutions of their own adoption as provided in this Act.

“SEC. 2. [Constitutional conventions and draft provisions] (a) The Legislatures of the Virgin Islands and Guam, respectively, are authorized to call constitutional conventions to draft, within the existing territorial-Federal relationship, constitutions for the local self-government of the people of the Virgin Islands and Guam.

“(b) Such constitutions shall—

“(1) recognize, and be consistent with, the sovereignty of the United States over the Virgin Islands and Guam, respectively, and the supremacy of the provisions of the Constitution, treaties, and laws of the United States applicable to the Virgin Islands and Guam, respectively, including, but not limited to, those provisions of the Organic Act [section 1405 et seq. of this title] and Revised Organic Act of the Virgin Islands [this chapter] and the Organic Act of Guam [section 1421 et seq. of this title] which do not relate to local self-government.

“(2) provide for a republican form of government, consisting of three branches: executive, legislative, and judicial;

“(3) contain a bill of rights;

“(4) deal with the subject matter of those provisions of the Revised Organic Act of the Virgin Islands of 1954, as amended, and the Organic Act of Guam, as amended, respectively, which relate to local self-government;

“(5) with reference to Guam, provided that the voting franchise may be vested only in residents of Guam who are citizens of the United States;

“(6) provide for a system of local courts consistent with the provisions of the Revised Organic Act of the Virgin Islands, as amended; and

“(7) provide for the establishment of a system of local courts the provisions of which shall become effective no sooner than upon the enactment of legislation regulating the relationship between the local courts of Guam with the Federal judicial system.

“SEC. 3. [Selection and qualification of members] The members of such constitutional conventions shall be

chosen as provided by the laws of the Virgin Islands and Guam, respectively (enacted after the date of enactment of this Act [Oct. 21, 1976]): *Provided, however*, That no person shall be eligible to be a member of the constitutional conventions, unless he is a citizen of the United States and qualified to vote in the Virgin Islands and Guam, respectively.

"SEC. 4. [Submittal of proposed constitutions to governors and President] The conventions shall submit to the Governor of the Virgin Islands a proposed constitution for the Virgin Islands and to the Governor of Guam a proposed constitution for Guam which shall comply with the requirements set forth in section 2(b) above. Such constitutions shall be submitted to the President of the United States by the Governors of the Virgin Islands and Guam.

"SEC. 5. [Transmittal to Congress and submittal to voters] Within sixty calendar days after the respective date on which he has received each constitution, the President shall transmit such constitution together with his comments to the Congress. The constitution, in each case, shall be deemed to have been approved by the Congress within sixty legislative days (not interrupted by an adjournment sine die of the Congress) after its submission by the President, unless prior to that date the Congress has approved the constitution, or modified or amended it, in whole or in part, by joint resolution. As so approved or modified, the constitutions shall be submitted to the qualified voters of the Virgin Islands and Guam, respectively, for acceptance or rejection through islandwide referendums to be conducted as provided under the laws of the Virgin Islands and Guam, respectively, (enacted after the date of enactment of this Act) [Oct. 21, 1976]. Upon approval by not less than a majority of the votes (counting only the affirmative or negative votes) participating in such referendums, the constitutions shall become effective in accordance with their terms."

SUBCHAPTER I—GENERAL PROVISIONS

§ 1541. Organization and status

(a) Composition and territorial designation

The provisions of this chapter and the name "Virgin Islands" as used in this chapter, shall apply to and include the territorial domain, islands, cays, and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. 1706). The Virgin Islands as above described are declared an unincorporated territory of the United States of America.

(b) Powers and legal status of government; capital and seat of government

The government of the Virgin Islands shall have the powers set forth in this chapter and shall have the right to sue by such name and in cases arising out of contract, to be sued: *Provided*, That no tort action shall be brought against the government of the Virgin Islands or against any officer or employee thereof in his official capacity without the consent of the legislature constituted by subchapter III of this chapter.

The capital and seat of government of the Virgin Islands shall be located at the city of Charlotte Amalie, in the island of Saint Thomas.

(c) Administrative supervision by Secretary of the Interior

The relations between such government and the Federal Government in all matters not the

program responsibility of another Federal department or agency shall be under the general administrative supervision of the Secretary of the Interior.

(July 22, 1954, ch. 558, §2, 68 Stat. 497; Pub. L. 90-496, §13, Aug. 23, 1968, 82 Stat. 842.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original "this Act", meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of the Virgin Islands, which enacted this chapter, amended sections 104 and 111 of Title 21, Food and Drugs, and section 3350 of former Title 26, Internal Revenue Code (see section 7652(b)(3) of Title 26), and enacted provisions set out as notes under this section. For complete classification of this Act to the Code, see Short Title note below and Tables.

AMENDMENTS

1968—Subsec. (c). Pub. L. 90-496 added subsec. (c).

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90-496, effective Jan. 4, 1971, see section 16 of Pub. L. 90-496, set out as a note under section 1591 of this title.

EFFECTIVE DATE

Section 34 of act July 22, 1954, provided: "This Act [see Short Title note below] shall take effect upon its approval [July 22, 1954], but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the incumbents of all offices under the government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority. The enactment of this Act shall not affect the term of office of the judge of the District Court of the Virgin Islands in office on the date of its enactment [July 22, 1954]."

SHORT TITLE OF 1968 AMENDMENT

Section 17 of Pub. L. 90-496 provided that: "This Act [enacting section 336 of Title 10, Armed Forces, amending this section and sections 1561, 1572, 1573, 1574, 1575, 1591, 1593, 1595, 1597, 1599, and 1641 of this title, repealing sections 1594, 1596, and 1632 of this title, and enacting provisions set out as a note under section 1591 of this title] may be cited as the 'Virgin Islands Elective Governor Act'."

SHORT TITLE OF 1959 AMENDMENT

Pub. L. 86-289, §1, Sept. 16, 1959, 73 Stat. 568, provided: "That this Act [amending sections 1573, 1597, and 1617 of this title] may be cited as the 'Virgin Islands Organic Act Amendments of 1959'."

SHORT TITLE

Section 1 of act July 22, 1954, provided that: "This Act [enacting this chapter, amending sections 104 and 111 of Title 21, Food and Drugs, and sections 3350 of former Title 26, Internal Revenue Code (see section 7652(b)(3) of Title 26), and enacting provisions set out as notes under this section] may be cited as the 'Revised Organic Act of the Virgin Islands'."

SEPARABILITY

Section 36 of act July 22, 1954, provided: "If any clause, sentence, paragraph, or part of this Act [see Short Title note above], or the application thereof to any person, or circumstances, is held invalid, the appli-

cation thereof to other persons, or circumstances, and the remainder of the Act, shall not be affected thereby.”

CONGRESSIONAL APPROVAL OF PROPOSED CONSTITUTION
FOR UNITED STATES VIRGIN ISLANDS

Pub. L. 97-21, July 9, 1981, 95 Stat. 105, set out the text of the Constitution for the United States Virgin Islands and provided that the Constitution is approved for submission to the people of the Virgin Islands in accordance with the provisions of Public Law 94-584, set out as a note preceding this section.

SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of the Virgin Islands, see section 1701 et seq. of this title.

§ 1542. Voting franchise; discrimination prohibited

(a) The franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, twenty-one years of age or over. Additional qualifications may be prescribed by the legislature: *Provided, however,* That no property, language, or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

(b) The legislature shall have authority to enact legislation establishing the voting age for residents of the Virgin Islands at an age not lower than eighteen years of age, if a majority of the qualified voters in the Virgin Islands approve in a referendum election held for that purpose.

(July 22, 1954, ch. 558, §4, 68 Stat. 498; Pub. L. 91-460, Oct. 16, 1970, 84 Stat. 978.)

AMENDMENTS

1970—Pub. L. 91-460 designated existing provisions as subsec. (a) and added subsec. (b).

§ 1543. United States citizenship requirement for government officials

All members of the Legislature of the Virgin Islands, the Governor, the Lieutenant Governor, all judges and all officials of the government of the Virgin Islands who report directly to the Governor shall be citizens of the United States.

(July 22, 1954, ch. 558, §29, 68 Stat. 509; Pub. L. 98-213, §5(a), Dec. 8, 1983, 97 Stat. 1460.)

AMENDMENTS

1983—Pub. L. 98-213 amended section generally, substituting provisions requiring United States citizenship for all members of the Legislature of the Virgin Islands, the Governor, Lieutenant Governor and all officials who report directly to the Governor for provisions requiring such citizenship for all officers of the Virgin Islands, and struck out provisions requiring written oaths and prescribing the oath.

§ 1544. Reports by Governor; jurisdiction of Secretary of the Interior; exceptions

All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is authorized to place all matters pertaining to the government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters re-

lating to the judicial branch of said government which on July 22, 1954 are under the supervision of the Director of the Administrative Office of the United States Courts, and the matters relating to the United States Attorney and the United States Marshal which on July 22, 1954 are under the supervision of the Attorney General.

(July 22, 1954, ch. 558, §30, 68 Stat. 509.)

§ 1545. Lease and sale of public property; conveyance of title in certain lands to the government of Virgin Islands

(a) The Secretary of the Interior shall be authorized to lease or to sell upon such terms as he may deem advantageous to the Government of the United States any property of the United States under his administrative supervision in the Virgin Islands not needed for public purposes.

(b)(1) All right, title, and interest of the United States in the property placed under the control of the government of the Virgin Islands by section 1405c(a) of this title, not reserved to the United States by the Secretary of the Interior within one hundred and twenty days after October 5, 1974, is hereby conveyed to such government. The conveyance effected by the preceding sentence shall not apply to that land and other property which on October 5, 1974, is administered by the Secretary of the Interior as part of the National Park System and such lands and other property shall be retained by the United States.

(2) Subject to valid existing rights, title to all property in the Virgin Islands which may have been acquired by the United States from Denmark under the Convention entered into August 16, 1916, not reserved or retained by the United States in accordance with the provisions of Public Law 93-435 (88 Stat. 1210) is hereby transferred to the Virgin Islands government.

(July 22, 1954, ch. 558, §31, 68 Stat. 510; Pub. L. 93-435, §3, Oct. 5, 1974, 88 Stat. 1211; Pub. L. 96-205, title IV, §401(a), Mar. 12, 1980, 94 Stat. 88.)

REFERENCES IN TEXT

Public Law 93-435 (88 Stat. 1210), referred to in subsec. (b)(2), is Pub. L. 93-435, Oct. 5, 1974, 88 Stat. 1210, as amended, which enacted sections 1705 to 1708 of this title, amended this section, and repealed sections 1701 to 1703 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1980—Subsec. (b). Pub. L. 96-205 designated existing provisions as par. (1) and added par. (2).

1974—Subsec. (b). Pub. L. 93-435 substituted provisions conveying to the government of Virgin Islands title in lands now under its control with power to the Secretary of the Interior to reserve rights to the United States within 120 days after Oct. 5, 1974, with the exception of land and property being administered by the Secretary of the Interior as part of the National Park System, for provisions that the government of Virgin Islands shall continue to have control over all public property under its control on July 22, 1954.

SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of the Virgin Islands, see section 1701 et seq. of this title.

§ 1546. Authorization of appropriations

There are authorized to be appropriated annually by the Congress of the United States such

sums as may be necessary and appropriate to carry out the provisions and purposes of this chapter.

(July 22, 1954, ch. 558, §35, 68 Stat. 510.)

SUBCHAPTER II—BILL OF RIGHTS

§ 1561. Rights and prohibitions

No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to any person therein equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to be represented by counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy, and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence against himself; nor shall any person sit as judge or magistrate in any case in which he has been engaged as attorney or prosecutor.

All persons shall be bailable by sufficient sureties in the case of criminal offenses, except for first-degree murder or any capital offense when the proof is evident or the presumption great.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned or shall suffer forced labor for debt.

All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

No ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken for public use except upon payment of just compensation ascertained in the manner provided by law.

The right to be secure against unreasonable searches and seizures shall not be violated.

No warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Slavery shall not exist in the Virgin Islands.

Involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted by a court of law, shall not exist in the Virgin Islands.

No law shall be passed abridging the freedom of speech or of the press or the right of the people peaceably to assemble¹ and petition the government for the redress of grievances.

No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof.

No person who advocates, or who aids or belongs to any party, organization, or association

which advocates, the overthrow by force or violence of the government of the Virgin Islands or of the United States shall be qualified to hold any office of trust or profit under the government of the Virgin Islands.

No money shall be paid out of the Virgin Islands treasury except in accordance with an Act of Congress or money bill of the legislature and on warrant drawn by the proper officer.

The contracting of polygamous or plural marriages is prohibited.

The employment of children under the age of sixteen years in any occupation injurious to health or morals or hazardous to life or limb is prohibited.

Nothing contained in this chapter shall be construed to limit the power of the legislature herein provided to enact laws for the protection of life, the public health, or the public safety.

No political or religious test other than an oath to support the Constitution and the laws of the United States applicable to the Virgin Islands, and the laws of the Virgin Islands, shall be required as a qualification to any office or public trust under the Government of the Virgin Islands.

The following provisions of and amendments to the Constitution of the United States are hereby extended to the Virgin Islands to the extent that they have not been previously extended to that territory and shall have the same force and effect there as in the United States or in any State of the United States: article I, section 9, clauses 2 and 3; article IV, section 1 and section 2, clause 1; article VI, clause 3; the first to ninth amendments inclusive; the thirteenth amendment; the second sentence of section 1 of the fourteenth amendment; and the fifteenth and nineteenth amendments: *Provided, however*, That all offenses against the laws of the United States and the laws of the Virgin Islands which are prosecuted in the district court pursuant to sections² 1612(a) and (c) of this title may be had by indictment by grand jury or by information, and that all offenses against the laws of the Virgin Islands which are prosecuted in the district court pursuant to section 1612(b) of this title or in the courts established by local law shall continue to be prosecuted by information, except such as may be required by local law to be prosecuted by indictment by grand jury.

All laws enacted by Congress with respect to the Virgin Islands and all laws enacted by the territorial legislature of the Virgin Islands which are inconsistent with the provisions of this subsection² are repealed to the extent of such inconsistency.

(July 22, 1954, ch. 558, §3, 68 Stat. 497; Pub. L. 85-851, §1, Aug. 28, 1958, 72 Stat. 1094; Pub. L. 90-496, §11, Aug. 23, 1968, 82 Stat. 841; Pub. L. 98-213, §5(d), Dec. 8, 1983, 97 Stat. 1460; Pub. L. 98-454, title VII, §701, Oct. 5, 1984, 98 Stat. 1737.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to

¹ So in original. Probably should be "assemble".

² So in original. Probably should be "section".

the Code, see Short Title note set out under section 1541 of this title and Tables.

AMENDMENTS

1984—Pub. L. 98-454 substituted provisions to the effect that offenses prosecuted under section 1612(a) and (c) of this title shall be prosecuted by indictment or information while those prosecuted under section 1612(b) of this title shall be prosecuted by information only, for provisions which provided that all prosecutions would be by information except where provided otherwise by local laws in the proviso in penultimate par.

1983—Pub. L. 98-213 inserted “article VI, clause 3;” in penultimate par.

1968—Pub. L. 90-496 inserted provisions extending to the Virgin Islands the enumerated provisions of and amendments to the Constitution of the United States, and provisions repealing, to the extent of any inconsistency, all laws enacted by Congress with respect to the Virgin Islands and all laws enacted by the territorial legislature of the Virgin Islands which are inconsistent with the provisions of this section.

1958—Pub. L. 85-851 prohibited political or religious test but required loyalty oath as qualification to any office or public trust.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 11 of Pub. L. 90-496 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90-496, which was approved Aug. 23, 1968.

SUBCHAPTER III—LEGISLATIVE BRANCH

§ 1571. Legislature

(a) Designation and unicameral character

The legislative power and authority of the Virgin Islands shall be vested in a legislature, consisting of one house, to be designated the “Legislature of the Virgin Islands”, herein referred to as the legislature.

(b) Composition; legislative districts; method of elections

The legislature shall be composed of members to be known as senators. The number of such senators shall be determined by the laws of the Virgin Islands. The apportionment of the legislature shall be as provided by the laws of the Virgin Islands: *Provided*, That such apportionment shall not deny to any person in the Virgin Islands the equal protection of the law: *And provided further*, That every voter in any district election or at large election shall be permitted to vote for the whole number of persons to be elected in that district election or at large election as the case may be. Until the legislature shall provide otherwise, four members shall be elected at large, five shall be elected from the District of Saint Thomas, five from the District of Saint Croix, and one from the District of Saint John, as those Districts were constituted on July 22, 1954,

(July 22, 1954, ch. 558, §5, 68 Stat. 498; Pub. L. 89-548, §1, Aug. 30, 1966, 80 Stat. 371; Pub. L. 106-364, §1, Oct. 27, 2000, 114 Stat. 1408.)

AMENDMENTS

2000—Subsec. (b). Pub. L. 106-364 struck out “fifteen” after “composed of” in first sentence and inserted “The

number of such senators shall be determined by the laws of the Virgin Islands.” after first sentence.

1966—Subsec. (b). Pub. L. 89-548 raised from eleven to fifteen the total number of senators in the legislature, substituted provision that the legislature be apportioned according to the laws of the Virgin Islands for provisions spelling out the division of the Virgin Islands into districts, the composition of each such district, and the district and at-large representation breakdown of the senators in the legislature, struck out provision for the casting of a ballot for two candidates by each elector in at-large elections and the drawing of lots to determine placement on the ballot in at-large elections, prohibited apportionment in a way which would deny equal protection of the law, and provided for temporary apportionment until the legislature provided otherwise from the districts as constituted on July 22, 1954.

EFFECTIVE DATE OF 1966 AMENDMENT

Section 2 of Pub. L. 89-548 provided that: “This Act [amending this section] shall be effective with respect to the legislature to be elected at the regular general election in November 1966, and thereafter.”

§ 1572. Legislators

(a) Terms of office

The term of office of each member of the legislature shall be two years. The term of office of each member shall commence on the second Monday in January following his election: *Provided, however*, That the term of office of each member elected in November 1958 shall commence on the second Monday in April 1959 and shall continue until the second Monday in April 1961, and the term of office of each member elected in November 1960 shall commence on the second Monday in April 1961 and continue until the second Monday in January 1963.

(b) Qualifications of members

No person shall be eligible to be a member of the legislature who is not a citizen of the United States, who has not attained the age of twenty-one years, who is not a qualified voter in the Virgin Islands, who has not been a bona fide resident of the Virgin Islands for at least three years next preceding the date of his election, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights. Federal employees and persons employed in the legislative, executive or judicial branches of the government of the Virgin Islands shall not be eligible for membership in the legislature.

(c) Appointment of electoral officers; popular election of members of boards of election

All officers and employees charged with the duty of directing the administration of the electoral system of the Virgin Islands and its representative districts shall be appointed in such manner as the legislature may by law direct: *Provided, however*, That members of boards of elections, which entities of government have been duly organized and established by the government of the Virgin Islands, shall be popularly elected.

(d) Immunity of members

No member of the legislature shall be held to answer before any tribunal other than the legislature for any speech or debate in the legislature and the members shall in all cases, except

treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature and in going to and returning from the same.

(e) Compensation and allowances

Each member of the legislature shall be paid such compensation and shall receive such additional allowances or benefits as may be fixed under the laws of the Virgin Islands. Such compensation, allowances, or benefits, together with all other legislative expenses, shall be appropriated by, and paid out of funds of, the government of the Virgin Islands.

(f) Limitations on holding other office

No member of the legislature shall hold or be appointed to any office which has been created by the legislature, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, or during one year after the expiration of such term.

(g) General powers; parliamentary rules

The legislature shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes, inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpoena to witnesses and other parties concerned, and administer oaths. The rules of the Legislative Assembly of the Virgin Islands existing on July 22, 1954 shall continue in force and effect for sessions of the legislature, except as inconsistent with this chapter, until altered, amended, or repealed by the legislature.

(h) Vacancies

The Legislature of the Virgin Islands shall by law provide the procedure for filling any vacancy in the office of member of the legislature.

(July 22, 1954, ch. 558, §6, 68 Stat. 499; Pub. L. 86-289, §2(a), (b), Sept. 16, 1959, 73 Stat. 568; Pub. L. 89-98, July 30, 1965, 79 Stat. 423; Pub. L. 90-496, §8(b), Aug. 23, 1968, 82 Stat. 839; Pub. L. 92-389, Aug. 17, 1972, 86 Stat. 563; Pub. L. 93-130, §1, Oct. 19, 1973, 87 Stat. 460.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (g), was in the original "this Act", meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables.

AMENDMENTS

1973—Subsec. (h). Pub. L. 93-130 substituted provision authorizing the Legislature of Virgin Islands to provide by law the procedure for filling vacancies in the membership of the Legislature, for provisions authorizing the Governor of the Virgin Islands to fill any such vacancy by appointment of resident of the district from which the member whose office became vacant was elected if the vacancy is that of a Senator and of resident of any part of Virgin Islands if the vacancy is that of a Senator at large, and that such appointee shall serve for the remainder of the unexpired term.

1972—Subsec. (b). Pub. L. 92-389 reduced the age qualification for membership of legislature from twenty-five years to twenty-one years.

1968—Subsec. (c). Pub. L. 90-496 inserted proviso requiring members of boards of elections, duly organized by the government, to be popularly elected.

1965—Subsec. (e). Pub. L. 89-98 substituted provisions empowering the government of the Virgin Islands to fix and pay legislative salaries and expenses for provisions which specifically fixed these salaries and expenses and which required the United States Government to pay them.

1959—Subsec. (a). Pub. L. 86-289, §2(a), substituted, in second sentence, "January" for "April", before "following his election", and substituted, in proviso, "1958" for "1954", "April 1959" for "January 1955", and "1961, and the term of office of each member elected in November 1960 shall commence on the second Monday in April 1961 and continue until the second Monday in January 1963" for "1957".

Subsec. (e). Pub. L. 86-289, §2(b), changed the date of payment of salaries, increased the per diem from \$10 to \$20, and provided that the per diem paid to members of the legislature for official travel outside the Virgin Islands should not be at rates in excess of those paid Federal Government employees.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 2 of Pub. L. 93-130 provided that: "The amendment made by the first section of this Act [amending this section] shall apply with respect to vacancies occurring on or after the date of enactment of this Act [Oct. 19, 1973]."

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90-496, effective Jan. 4, 1971, see section 16 of Pub. L. 90-496, set out as a note under section 1591 of this title.

§ 1573. Time, frequency, and duration of regular sessions; special sessions; place of holding

(a) Regular sessions of the legislature shall be held annually, commencing on the second Monday in January (unless the legislature shall by law fix a different date), and shall continue for such term as the legislature may provide. The Governor may call special sessions of the legislature at any time when in his opinion the public interest may require it. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session. All sessions of the legislature shall be open to the public.

(b) Sessions of the legislature shall be held in the capital of the Virgin Islands at Charlotte Amalie, Saint Thomas.

(July 22, 1954, ch. 558, §7, 68 Stat. 500; Pub. L. 86-289, §2(c), Sept. 16, 1959, 73 Stat. 569; Pub. L. 90-496, §1, Aug. 23, 1968, 82 Stat. 837.)

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-496 substituted provisions that regular sessions of the legislature shall continue for such term as the legislature may provide for provisions that regular sessions shall continue for not more than sixty consecutive calendar days in any calendar year, with the proviso that the regular annual session for 1959, 1960, and 1961 shall commence on the second Monday in April and shall continue for not more than sixty consecutive calendar days, struck out provisions that any special session called by the Governor shall continue for not more than fifteen calendar days, with the aggregate of any such special sessions during

any calendar year not to exceed thirty calendar days, and inserted provision opening to the public all sessions of the legislature.

1959—Subsec. (a). Pub. L. 86-289 substituted “January (unless the legislature shall by law fix a different date)” for “April” and “regular annual session for each of the years 1959, 1960, and 1961, respectively, shall commence on the second Monday in April” for “annual session for 1955 shall commence on the second Monday in January 1955”.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 1 of Pub. L. 90-496 provided that the amendment made by that section is effective on date of amendment of Pub. L. 90-496, which was approved Aug. 23, 1968.

§ 1574. Legislative powers and activities

(a) Scope of authority; limitation on enactments and taxation

The legislative authority and power of the Virgin Islands shall extend to all rightful subjects of legislation not inconsistent with this chapter or the laws of the United States made applicable to the Virgin Islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty or international agreement entered into by the United States, nor shall the lands or other property of nonresidents be taxed at a higher rate than the lands or other property of residents.

(b) Government bonds; maximum amount; sale, interest, etc.

(i) The legislature of the government of the Virgin Islands may cause to be issued on behalf of said government bonds or other obligations for a public improvement or public undertaking authorized by an act of the legislature. Such bonds or obligations shall be payable solely from the revenues directly derived from and attributable to such public improvement, public undertaking, or other project. Bonds issued pursuant to paragraph (i) may bear such date or dates, may be in such denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner as shall be prescribed by the government of the Virgin Islands. Said bonds may be redeemable (either with or without premium) or nonredeemable. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signature, whether manual or facsimile shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate not to exceed that specified by the legislature, payable semiannually. All such bonds issued by the government of the Virgin Islands or by its authority shall be exempt as to principal and interest from taxation by the Government of the United States, or by the government of the Virgin Islands, or by any State, Territory, or possession or by any political subdivision of any State, Territory or possession, or by the District of Columbia. Such bonds shall under no circum-

stances constitute a general obligation of the Virgin Islands or of the United States.

(ii)(A) Subject to the provisions of this paragraph (ii), the legislature of the government of the Virgin Islands may cause to be issued such negotiable general obligation bonds or other evidence of indebtedness, including but not limited to notes in anticipation of the collection of taxes or revenues, as it may deem necessary and advisable for any public purpose authorized by the legislature: *Provided*, That no such indebtedness of the Virgin Islands shall be incurred in excess of 10 per centum of the aggregate assessed valuation of the taxable real property in the Virgin Islands. Bonds issued pursuant to this paragraph (ii) shall bear such date or dates, may be in such denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may be sold at either public or private sale, may be redeemable (either with or without premium) or nonredeemable, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner, as shall be prescribed by the legislature of the government of the Virgin Islands. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signature, whether manual or facsimile, shall nevertheless be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate not to exceed that specified by the legislature. All bonds issued by the government of the Virgin Islands, including specifically interest thereon, shall be exempt from taxation by the Government of the United States, or by the government of the Virgin Islands or any political subdivision thereof, or by any State, territory, or possession or by any political subdivision of any State, territory, or possession, or by the District of Columbia.

(B) Bonds or other obligations issued pursuant to this paragraph (ii) shall not be a debt of the United States, nor shall the United States be liable thereon.

(iii)(A) The legislature of the government of the Virgin Islands may cause to be issued after September 30, 1984, industrial development bonds (within the meaning of section 103(b)(2)¹ of title 26).

(B) Except as provided in subparagraph (C), any obligation issued under subparagraph (A) and the income from such obligation shall be exempt from all State and local taxation in effect on or after October 1, 1984.

(C) Any obligation issued under subparagraph (A) shall not be exempt from State or local gift, estate, inheritance, legacy, succession, or other wealth transfer taxes.

(D) For purposes of this paragraph—

(I) The term “State” includes the District of Columbia.

(II) The taxes imposed by counties, municipalities, or any territory, dependency, or possession of the United States shall be treated as local taxes.

¹ See References in Text note below.

(E) For exclusion of interest for purposes of Federal income taxation, see section 103 of title 26.

(c) Applicability of laws and ordinances; amendment or repeal

The laws of the United States applicable to the Virgin Islands on July 22, 1954, including laws made applicable to the Virgin Islands by or pursuant to the provisions of the Act of June 22, 1936 (49 Stat. 1807), and all local laws and ordinances in force in the Virgin Islands, or any part thereof, on July 22, 1954 shall, to the extent they are not inconsistent with this chapter, continue in force and effect until otherwise provided by the Congress: *Provided*, That the legislature shall have power, when within its jurisdiction and not inconsistent with the other provisions of this chapter, to amend, alter, modify, or repeal any local law or ordinance, public or private, civil or criminal, continued in force and effect by this chapter, except as herein otherwise provided, and to enact new laws not inconsistent with any law of the United States applicable to the Virgin Islands, subject to the power of Congress to annul any such Act of the legislature.

(d), (e) Repealed. Pub. L. 97-357, title III, § 305, Oct. 19, 1982, 96 Stat. 1709

(f) Customs duty; duty-free importation; effect on other customs laws

(1) The Legislature of the Virgin Islands may impose on the importation of any article into the Virgin Islands for consumption therein a customs duty. The rate of any customs duty imposed on any article under this subsection may not exceed—

(A) if an ad valorem rate, 6 per centum ad valorem; or

(B) if a specific rate or a combination ad valorem and specific rate, the equivalent or 6 per centum ad valorem.

(2) Nothing in this subsection shall prohibit the Legislature of the Virgin Islands from permitting the duty-free importation of any article.

(3) Nothing in this subsection shall be construed as empowering the Legislature of the Virgin Islands to repeal or amend any provision in law in effect on the day before October 15, 1977, which pertains to the customs valuation or customs classification of articles imported into the Virgin Islands.

(July 22, 1954, ch. 558, § 8, 68 Stat. 500; Pub. L. 85-851, §§ 2, 3, 10, Aug. 28, 1958, 72 Stat. 1094, 1095; Pub. L. 88-180, Nov. 19, 1963, 77 Stat. 335; Pub. L. 89-643, Oct. 13, 1966, 80 Stat. 890; Pub. L. 90-496, § 15, Aug. 23, 1968, 82 Stat. 842; Pub. L. 95-134, title III, § 301(c), Oct. 15, 1977, 91 Stat. 1163; Pub. L. 97-357, title III, § 305, Oct. 19, 1982, 96 Stat. 1709; Pub. L. 98-454, title II, § 201, Oct. 5, 1984, 98 Stat. 1732; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 106-84, § 1(a), (b)(1), (2), Oct. 28, 1999, 113 Stat. 1295.)

REFERENCES IN TEXT

Section 103, referred to in subsec. (b)(iii)(A), which related to interest on certain governmental obligations was amended generally by Pub. L. 99-514, title XIII, § 1301(a), Oct. 22, 1986, 100 Stat. 2602, and as so amended

relates to interest on State and local bonds. Section 103(b)(2), which prior to the general amendment defined industrial development bond, relates to the applicability of the interest exclusion to arbitrage bonds.

Act of June 22, 1936 (49 Stat. 1807), referred to in subsec. (c), is act June 22, 1936, ch. 699, 49 Stat. 1807, as amended, known as the Organic Act of the Virgin Islands of the United States, which is classified generally to subchapter II (§1405 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 1406m of this title and Tables.

AMENDMENTS

1999—Subsec. (b)(ii)(A). Pub. L. 106-84, § 1(a), inserted “, including but not limited to notes in anticipation of the collection of taxes or revenues,” after “other evidence of indebtedness”, substituted “for any public purpose authorized by the legislature: *Provided*, That no such” for “to construct, improve, extend, better, repair, reconstruct, acquire, and equip hospitals, schools, libraries, gymnasias, athletic fields, sewers, sewage-disposal plants, and water systems: *Provided*, That no public”, and struck out “and payable semiannually. All such bonds shall be sold for not less than the principal amount thereof plus accrued interest” after “specified by the legislature”.

Subsec. (b)(ii)(B), (C). Pub. L. 106-84, § 1(b)(1), (2), re-designated subpar. (C) as (B) and struck out former subpar. (B) which read as follows: “The proceeds of the bond issues or other obligations herein authorized shall be expended only for the public improvements set forth in the preceding subparagraph, or for the reduction of the debt created by such bond issue or obligation, unless otherwise authorized by the Congress.”

1986—Subsec. (b)(iii)(E). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

1984—Subsec. (b)(i), (iii). Pub. L. 98-454 struck out “shall be sold at public sale and” before “may be redeemable” in fourth sentence of par. (i) and added par. (iii).

1982—Subsec. (d). Pub. L. 97-357 struck out subsec. (d) which authorized the President of the United States to appoint a commission of seven persons, at least three of whom were residents of the Virgin Islands, to survey the field of Federal statutes and to make recommendations to Congress within twelve months after July 22, 1954, as to which statutes of the United States not applicable to the Virgin Islands on that date should be made applicable to the Virgin Islands and which statutes of the United States applicable to the Virgin Islands on that date should be declared inapplicable, and provided compensation of this commission.

Subsec. (e). Pub. L. 97-357 struck out subsec. (e) which related to arrangements by the Secretary of the Interior for the preparation of a code of laws of the Virgin Islands.

1977—Subsec. (f). Pub. L. 95-134 added subsec. (f).

1968—Subsec. (b)(i). Pub. L. 90-496 struck out the provisions that the total amount of revenue bonds which may be issued and outstanding for all improvements and undertakings at any one time shall not be in excess of \$30,000,000, exclusive of all bonds and undertakings held by the United States as a result of a sale of real or personal property to the government of the Virgin Islands, and with not more than \$10,000,000 of such bonds or obligations to be outstanding at any one time for public improvements or public undertakings other than water or power projects, and substituted provisions that the bonds so issued shall bear interest at a rate not to exceed that specified by the legislature, payable semiannually, for provisions that the bonds so issued shall bear interest at a rate not to exceed 5% per annum, payable semiannually, and that all such bonds shall be sold for not less than the principal amount thereof plus accrued interest.

1966—Subsec. (b)(i). Pub. L. 89-643 increased the borrowing authority of the Virgin Islands by striking out

limiting provisions so as to require only that the object of a bond issue be a public improvement or undertaking authorized by the legislature as opposed to previous requirement of a legislative authorization for specific improvements and legislative findings of need, substituted provisions authorizing the issuance of bonds that are nonredeemable or redeemable (either with or without premium) for provisions requiring that bonds be redeemable after five years without premium, raised the limitation on total amount of outstanding bonds from a flat limitation of \$10,000,000 to \$30,000,000 exclusive of all bonds or obligations which are held by the Government of the United States as a result of a sale of real or personal property to the government of the Virgin Islands, and inserted requirement that not to exceed \$10,000,000 of the bonds or obligations may be outstanding at any one time for public improvement or public undertakings other than water or power projects.

1963—Subsec. (b). Pub. L. 88-180 redesignated existing provisions as par. (i), struck out “The legislature shall have no power to incur any indebtedness which may be a general obligation of said government”, and added par. (ii).

1958—Subsec. (a). Pub. L. 85-851, §2, substituted “rightful subjects of legislation” for “subjects of local application”.

Subsec. (b). Pub. L. 85-851, §10, authorized issuance of bonds for establishment, construction, operation, maintenance, reconstruction, improvement, or enlargement of other projects and payment of the bonds from revenues derived from the projects.

Subsec. (e). Pub. L. 85-851, §3, struck out “and any supplements to it” after “Upon the enactment of the Virgin Islands Code it”.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-84, §3, Oct. 28, 1999, 113 Stat. 1295, provided that:

“(a) IN GENERAL.—Except as provided by subsection (b), the amendments made by section 1 [amending this section and section 1574a of this title] shall apply to those instruments of indebtedness issued by the Government of the Virgin Islands after the date of the enactment of this Act [Oct. 28, 1999].

“(b) EFFECT OF FAILURE TO REACH AGREEMENT.—If the agreement authorized in section 2(a) [set out as a note under section 1631 of this title] is not ratified by both parties on or before December 31, 1999, the amendments made by section 1—

“(A) shall not apply to instruments of indebtedness issued by the Government of the Virgin Islands on or after December 31, 1999; and

“(B) shall continue to apply to those instruments of indebtedness issued by the Government of the Virgin Islands after the date of the enactment of this Act and before December 31, 1999.”

EFFECTIVE DATE OF 1968 AMENDMENT

Section 15 of Pub. L. 90-496 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90-496, which was approved Aug. 23, 1968.

CONSTRUCTION

Pub. L. 106-84, §4, Oct. 28, 1999, 113 Stat. 1296, provided that: “These amendments to the Revised Organic Act of the Virgin Islands [amending this section] are not intended to modify the internal revenue laws. Thus, the bonds authorized by this bill must comply with subsection (c) of section 149 of the Internal Revenue Code of 1986 [26 U.S.C. 149(c)] (which requires the new bonds comply with the appropriate requirements of the Internal Revenue Code).”

LEVYING AND COLLECTION OF EXCISE TAXES BY LEGISLATURE OF THE VIRGIN ISLANDS

Pub. L. 96-205, title IV, §405, Mar. 12, 1980, 94 Stat. 89, as amended by Pub. L. 97-357, title III, §302, Oct. 19,

1982, 96 Stat. 1709, provided that: “Any excise taxes levied by the Legislature of the Virgin Islands may be levied and collected as the Legislature of the Virgin Islands may direct as soon as the articles, goods, merchandise, and commodities subject to said tax are brought into the Virgin Islands. The officials of the Customs and Postal Services of the United States are directed to assist the appropriate officials of the United States Virgin Islands in the collection of these taxes.”

§ 1574-1. Applicability of laws referred to in section 502(a)(1) of Covenant to Establish a Commonwealth of the Northern Mariana Islands

Effective on the date when section 502 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by joint resolution approved on March 24, 1976 (90 Stat. 263) goes into force those laws which are referred to in section 502(a)(1) of said Covenant, except for any laws administered by the Social Security Administration, except for medicare which is now administered by the Centers for Medicare & Medicaid Services, and except the Micronesian Claims Act of 1971 (85 Stat. 96) shall be applicable to the territories of Guam and the Virgin Islands on the same terms and conditions as such laws are applied to the Northern Mariana Islands.

(Pub. L. 95-134, title IV, §403, Oct. 15, 1977, 91 Stat. 1163; Pub. L. 95-135, §1, Oct. 15, 1977, 91 Stat. 1166; Pub. L. 108-173, title IX, §900(e)(7), Dec. 8, 2003, 117 Stat. 2374.)

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, is contained in section 1 of Pub. L. 94-241, set out as a note under section 1801 of this title. For Jan. 9, 1978, as the date section 502 of the Covenant came into force, see Proc. No. 4534, §2, set out as a note under section 1801 of this title.

The joint resolution approved on March 24, 1976, referred to in text, is Pub. L. 94-241, Mar. 24, 1976, 90 Stat. 263, as amended, which is classified generally to subchapter I (§1801 et seq.) of chapter 17 of this title. For complete classification of this Act to the Code, see Tables.

The Micronesian Claims Act of 1971, referred to in text, is Pub. L. 92-39, July 1, 1971, 85 Stat. 92, as amended, which was classified generally to section 2018 et seq. of Title 50, Appendix, War and National Defense, and which was omitted from the Code as terminated Aug. 3, 1976.

CODIFICATION

Section is also classified to section 1421q-1 of this title.

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

Section was not enacted as part of the Revised Organic Act of the Virgin Islands which comprises this chapter.

AMENDMENTS

2003—Pub. L. 108-173 substituted “Centers for Medicare & Medicaid Services” for “Health Care Financing Administration”.

1977—Pub. L. 95-135 amended section generally. Prior to amendment, section read as follows: “Effective on October 15, 1977, those laws, except for any laws administered by the Social Security Administration and except for medicare which is now administered by the

Health Care Financing Administration, which are referred to in section 502(a)(1) (except for the reference to the Micronesian Claims Act of 1971 (85 Stat. 96)) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, approved by joint resolution approved on March 24, 1976 (90 Stat. 263), and 502(a)(2) of said Covenant shall be applicable to the territories of Guam and the Virgin Islands on the same terms and conditions as such laws are applied to the Commonwealth of the Northern Mariana Islands.”

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-135 effective as of Oct. 15, 1977, see section 2 of Pub. L. 95-135, set out as a note under section 1421q-1 of this title.

§ 1574a. Revenue bonds or other obligations

(a) Authorization for issuance; use of proceeds; legislative initiative and binding referendum vote

In addition to the authority conferred by section 1574(b) of this title, the legislature of the government of the Virgin Islands is authorized to cause to be issued bonds or other obligations of such government in anticipation of revenues to be received under section 7652(b)(3) of title 26. The proceeds of such bonds or other obligations may be used for any purpose authorized by an act of the legislature. The legislature of the government of the Virgin Islands may initiate, by majority vote of the members, a binding referendum vote to approve or disapprove the amount of any such bond or other obligation and/or any purpose for which such bond or other obligation is authorized.

(b) Federal guarantee

The legislature of the government of the Virgin Islands may provide, in connection with any issue of bonds or other obligations authorized to be issued under subsection (a) of this section the proceeds of which are to be used for public works or other capital projects, that a guarantee of such bonds or obligations by the United States should be applied for under section 1574b of this title.

(c) Limitations on issuance

Except to the extent inconsistent with the provisions of this Act, the provisions of section 1574(b)(ii) of this title (other than the limitation contained in the proviso to the first sentence of subparagraph (A)) shall apply to bonds and other obligations authorized to be issued under subsection (a) of this section.

(Pub. L. 94-392, §1, Aug. 19, 1976, 90 Stat. 1193; Pub. L. 105-83, title I, §124(c), Nov. 14, 1997, 111 Stat. 1567; Pub. L. 106-84, §1(b)(3), Oct. 28, 1999, 113 Stat. 1295.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 94-392, Aug. 19, 1976, 90 Stat. 1193, as amended, which enacted sections 1574a to 1574d of this title, amended section 1397 of this title, and enacted a provision set out as a note below. For complete classification of this Act to the Code, see Tables.

CODIFICATION

In subsec. (a), “section 7652(b)(3) of title 26” substituted for “section 28(b) of such Act (26 U.S.C. 7652)”, meaning section 28(b) of the Revised Organic Act of the

Virgin Islands (68 Stat. 508), which was classified to section 3350(c) of former Title 26, Internal Revenue Code, on authority of section 7852(b) of Title 26, Internal Revenue Code, which provided that any reference in any other law to a provision of the Internal Revenue Code of 1939 shall be deemed a reference to the corresponding provision of the Internal Revenue Code of 1986.

Section was not enacted as part of the Revised Organic Act of the Virgin Islands which comprises this chapter.

AMENDMENTS

1999—Subsec. (d). Pub. L. 106-84 struck out subsec. (d) which read as follows: “The legislature of the Government of the Virgin Islands may cause to be issued notes in anticipation of the collection of the taxes and revenues for the current fiscal year. Such notes shall mature and be paid within one year from the date they are issued. No extension of such notes shall be valid and no additional notes shall be issued under this section until all notes issued during a preceding year shall have been paid.”

1997—Subsec. (d). Pub. L. 105-83 added subsec. (d).

AUTHORIZATION OF APPROPRIATIONS

Section 6 of Pub. L. 94-392 provided that: “There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [enacting this section and sections 1574b to 1574d of this title and amending section 1397 of this title].”

§ 1574b. Federal guarantee for issuance of revenue bonds or other obligations

(a) Application to Secretary of the Interior; contents

When authorized under subsection (b) of section 1574a of this title, the government of the Virgin Islands may apply to the Secretary of the Interior (hereinafter referred to as the “Secretary”) for a guarantee of any issue of bonds or other obligations authorized to be issued under subsection (a) of section 1574a of this title. Any such application shall contain such information as the Secretary may prescribe.

(b) Terms and conditions of guarantee or commitment to guarantee; determination by Secretary of approval

The Secretary is authorized, with the approval of the Secretary of the Treasury, to guarantee and to enter into commitments to guarantee, upon such terms and conditions as he may prescribe, payment of principal and interest on bonds and other obligations issued by the government of the Virgin Islands under subsection (a) of section 1574a of this title. No guarantee or commitment to guarantee shall be made unless the Secretary determines—

(1) that the proceeds of such issue will be used only for public works or other capital projects, except that \$28,000,000 of the guaranteed bonding authority will be used for water producing and power projects, including maintenance and overhaul of electrical generating and distribution mechanisms, and \$12,000,000 of the guaranteed bonding authority will be used for repair and improvements of the water distribution and storage systems;

(2) taking into account anticipated expenditures by the government of the Virgin Islands while the bonds or other obligations forming a part of such issue will be outstanding, all outstanding obligations of the government of the Virgin Islands which will mature while the

bonds or other obligations forming a part of such issue will be outstanding, and such other factors as he deems pertinent, that the revenues expected to be received under section 7652(b)(3) of title 26 will be sufficient to pay the principal of, and interest on, the bonds or other obligations forming a part of such issue;

(3) that credit is not otherwise available on reasonable terms and conditions and that there is reasonable assurance of repayment, and

(4) that the maturity of any obligations to be guaranteed does not exceed thirty years or 90 per centum of the useful life of the physical assets to be financed by the obligation, whichever is less as determined by the Secretary.

(c) Administrative costs; deposit of fees

The Secretary shall charge and collect fees in amounts sufficient in his judgment to cover the costs of administering this section. Fees collected under this subsection shall be deposited in the revolving fund created under subsection (g) of this section.

(d) Conclusiveness and incontestability; pledge of full faith and credit

Any guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligation for such guarantee, and the validity of any guarantee so made shall be incontestable, except for fraud or material misrepresentation, in the hands of the holder of the guaranteed obligation. Such guarantee shall constitute a pledge of the full faith and credit of the United States for such obligation.

(e) Interest on guaranteed obligations taxable

The interest on any obligation guaranteed under this section shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.].

(f) Maximum amount guaranteed; time limitations on commitments to guarantee, obligation of guaranteed but unobligated funds, and repayment of unobligated proceeds of bonds or other obligations

The aggregate principal amount of obligations which may be guaranteed under this Act shall not exceed \$101,000,000. No commitment to guarantee may be issued by the Secretary, and no guaranteed but unobligated funds may be obligated by the government of the Virgin Islands after October 1, 1990. After October 1, 1990, any unobligated proceeds of bonds or other obligations issued by the government of the Virgin Islands pursuant to this section shall be repaid immediately by the government of the Virgin Islands to the lenders with the agreed upon interest. Should there be any delay in the government of the Virgin Islands' making such repayment, the Secretary shall deduct the requisite amounts from moneys under his control that would otherwise be paid to the government of the Virgin Islands under section 7652(b)(3) of title 26.

(g) Revolving fund; establishment; submission of budget to Congress; payments; transfers from fund to general fund of Treasury; issuance and sale of notes or other obligations for guarantees

(1) There is hereby created within the Treasury a separate fund (hereinafter referred to as

“the fund”) which shall be available to the Secretary without fiscal year limitation as revolving fund for the purpose of this Act. A business-type budget for the fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 9103 and 9104 of title 31) for wholly owned Government corporations.

(2) All expenses, including reimbursements to other government accounts, and payments pursuant to operations of the Secretary under this Act shall be paid from the fund. If at any time the Secretary determines that moneys in the fund exceed the present and any reasonably prospective future requirements of the fund, such excess may be transferred to the general fund of the Treasury.

(3) If at any time the moneys available in the fund are insufficient to enable the Secretary to discharge his responsibilities under guarantees under this Act, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Secretary from appropriations which are hereby authorized for this purpose. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall not be less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31 and the purposes for which securities may be issued under that chapter are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(Pub. L. 94-392, §2, Aug. 19, 1976, 90 Stat. 1193; Pub. L. 96-205, title IV, §407, Mar. 12, 1980, 94 Stat. 89; Pub. L. 98-146, title I, Nov. 4, 1983, 97 Stat. 931, 932; Pub. L. 98-213, §4(b), Dec. 8, 1983, 97 Stat. 1460; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

REFERENCES IN TEXT

Chapter 1 of the Internal Revenue Code of 1986, referred to in subsec. (e), means chapter 1 (§1 et seq.) of Title 26, Internal Revenue Code.

This Act, referred to in subssecs. (f) and (g), is Pub. L. 94-392, Aug. 19, 1976, 90 Stat. 1193, as amended, which enacted sections 1574a to 1574d of this title, amended section 1397 of this title, and enacted a provision set out as a note under section 1574a of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

In subssecs. (b)(2) and (f), “section 7652(b)(3) of title 26” substituted for “section 28(b) of the Revised Or-

ganic Act of the Virgin Islands [68 Stat. 508]”, which was classified to section 3350(c) of former Title 26, Internal Revenue Code, on authority of section 7852(b) of Title 26, Internal Revenue Code, which provided that any reference in any other law to a provision of the Internal Revenue Code of 1939 be deemed a reference to the corresponding provision of the Internal Revenue Code of 1986.

In subsec. (g)(1) and (3), “sections 9103 and 9104 of title 31” substituted for “sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847–849)”, and “chapter 31 of title 31” and “that chapter” were substituted for “the Second Liberty Bond Act” and “that Act”, respectively, on authority of Pub. L. 97–258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was not enacted as part of the Revised Organic Act of the Virgin Islands which comprises this chapter.

AMENDMENTS

1986—Subsec. (e). Pub. L. 99–514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

1983—Subsec. (b)(1). Pub. L. 98–213, §4(b)(1), and Pub. L. 98–146, §100(1), made nearly identical amendments relating to the use of the amounts of \$28,000,000 and \$12,000,000 of the guaranteed bonding authority. The text reflects the amendment by Pub. L. 98–213.

Subsec. (f). Pub. L. 98–213, §4(b)(2), and Pub. L. 98–146, §100(2), amended subsec. (f) identically, substituting “\$101,000,000” for “\$61,000,000” and “1990” for “1984” in two places.

1980—Subsec. (f). Pub. L. 96–205 substituted provisions relating to prohibitions on commitments to guarantee by the Secretary and obligation by the Virgin Islands government of guaranteed but unobligated funds, and repayment by the government of unobligated proceeds of bonds or other obligations after Oct. 1, 1984, for provisions relating to entering into under Pub. L. 94–392, after Oct. 1, 1979, of commitments to guarantee.

§ 1574c. Priority for payment of principal and interest of revenue bonds or other obligations

Each issue of bonds or other obligations issued under subsection (a) of section 1574a of this title shall have a parity lien with every other issue of bonds or other obligations issued for payment of principal and interest out of revenues received under section 7652(b)(3) of title 26, except that issues guaranteed under section 1574b of this title shall have priority, according to the date of issue, over issues not so guaranteed and the revenues received under section 7652(b)(3) of title 26 shall be pledged for the payment of such bonds or other obligations.

(Pub. L. 94–392, §3, Aug. 19, 1976, 90 Stat. 1195; Pub. L. 105–83, title I, §124(a), Nov. 14, 1997, 111 Stat. 1567.)

CODIFICATION

“Section 7652(b)(3) of title 26” substituted in text for “section 28(b) of the Revised Organic Act of the Virgin Islands [68 Stat. 508]”, which was classified to section 3350(c) of former Title 26, Internal Revenue Code, on authority of section 7852(b) of Title 26, Internal Revenue Code, which provided that any reference in any other law to a provision of the Internal Revenue Code of 1939 be deemed a reference to the corresponding provision of the Internal Revenue Code of 1986.

Section was not enacted as part of the Revised Organic Act of the Virgin Islands which comprises this chapter.

AMENDMENTS

1997—Pub. L. 105–83 substituted “a parity lien with every other issue of bonds or other obligations issued

for payment” for “priority for payment” and struck out “in the order of the date of issue” before “, except that”.

EFFECTIVE DATE OF 1997 AMENDMENT

Section 124(b) of Pub. L. 105–83 provided that: “The amendments made by subsection (a) [amending this section] shall apply to obligations issued on or after the date of enactment of this section [Nov. 14, 1997].”

§ 1574d. Repealed. Pub. L. 97–357, title III, § 308(g), Oct. 19, 1982, 96 Stat. 1710

Section, Pub. L. 94–392, §4, Aug. 19, 1976, 90 Stat. 1195, related to grants to government of Virgin Islands for operation of such government and limitation on amount of such grants.

§ 1575. Legislative procedure

(a) Quorum and method of voting on bills

The number of members of the legislature needed to constitute a quorum shall be determined by the laws of the Virgin Islands. No bill shall become a law unless it shall have been passed at a meeting, at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.

(b) Enacting clause of acts

The enacting clause of all acts shall be as follows: “Be it enacted by the Legislature of the Virgin Islands”.

(c) Governor’s message and budget

The Governor shall submit at the opening of each regular session of the legislature a message on the state of the Virgin Islands and a budget of estimated receipts and expenditures, which shall be the basis of the appropriation bills for the ensuing fiscal year, which shall commence on the first day of July or such other date as the Legislature of the Virgin Islands may determine.

(d) Approval and disapproval of bills

Every bill passed by the legislature shall, before it becomes a law, be presented to the Governor. If the Governor approves the bill, he shall sign it. If the Governor disapproves the bill, he shall, except as hereinafter provided, return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him. If the Governor does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and, upon motion of a member of the legislature, proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature pass the bill, it shall be a law. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall ap-

pend to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect, unless the legislature, after reconsideration upon motion of a member thereof, passes such items, parts, or portions so objected to by a vote of two-thirds of all the members of the legislature.

(e) Use of prior appropriations upon failure to pass appropriation bills

If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payment of the obligations and necessary current expenses of the government of the Virgin Islands for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item.

(f) Journal of proceedings; contents

The legislature shall keep a journal of its proceedings and publish the same. Every bill passed by the legislature and the yeas and nays on any question shall be entered on the journal.

(g) Transmittal of laws to Congress

A listing of all laws enacted by the legislature each year shall be transmitted with the annual report to Congress required pursuant to section 1591 of this title.

(July 22, 1954, ch. 558, §9, 68 Stat. 501; Pub. L. 90-496, §§2, 3, Aug. 23, 1968, 82 Stat. 837; Pub. L. 95-134, title III, §301(b), Oct. 15, 1977, 91 Stat. 1163; Pub. L. 95-348, §4(c)(1), Aug. 18, 1978, 92 Stat. 490; Pub. L. 96-470, title II, §206(d), Oct. 19, 1980, 94 Stat. 2244; Pub. L. 106-364, §2, Oct. 27, 2000, 114 Stat. 1408.)

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-364 amended first sentence generally. Prior to amendment, first sentence read as follows: "The quorum of the legislature shall consist of eight of its members."

1980—Subsec. (g). Pub. L. 96-470 substituted provision requiring a listing of all laws enacted by the legislature each year be transmitted with the annual report to Congress required by section 1591 of this title for provision requiring copies of all laws enacted by the legislature be transmitted within 15 days of their enactment by the Governor to the Secretary of the Interior and by the Secretary annually to Congress.

1978—Subsec. (c). Pub. L. 95-348 inserted provision authorizing the Virgin Islands Legislature to determine other dates on which the fiscal year shall commence.

1977—Subsec. (d). Pub. L. 95-134 inserted "", unless the legislature, after reconsideration upon motion of a member thereof, passes such items, parts, or portions so objected to by a vote of two-thirds of all the members of the legislature" after "shall not take effect".

1968—Subsec. (a). Pub. L. 90-496, §2, increased the quorum requirement from seven to eight members.

Subsec. (d). Pub. L. 90-496, §3, inserted requirement that when a bill is returned by the Governor to the legislature, a motion of a member of the legislature is necessary for the legislature to reconsider the bill, and substituted provisions that if, after reconsideration by the legislature, two-thirds of all the members of the legislature pass a bill returned by the Governor, it shall be a law for provisions that if, after reconsideration by the legislature, two-thirds of all the members of the legislature agree to pass the bill, it shall be pre-

sented anew to the Governor for his approval, provisions that if the Governor does not approve the bill, the bill shall be sent to the President of the United States for his approval, provisions that if the President disapproves the bill, the bill shall be returned to the Governor, stating the President's disapproval, and it shall not be a law, and provisions that if the President neither approves nor disapproves the bill within 90 days after it was sent to him by the Governor, the bill shall be a law as if the President had signed it.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 2 of Pub. L. 90-496 provided that the amendment made by that section is effective on date of enactment of Pub. L. 90-496, which was approved Aug. 23, 1968.

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90-496, effective Jan. 4, 1971, see section 16 of Pub. L. 90-496, set out as a note under section 1591 of this title.

§ 1576. General elections; time; transfer of Council functions, property, etc.

The next general election in the Virgin Islands shall be held on November 2, 1954. At such time there shall be chosen the entire membership of the legislature as herein provided. Thereafter the general elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1956, and every two years thereafter. The Municipal Council of Saint Thomas and Saint John, and the Municipal Council of Saint Croix, existing on July 22, 1954, shall continue to function until January 10, 1955, at which time all of the functions, property, personnel, records, and unexpended balances of appropriations and funds of the governments of the municipality of Saint Thomas and Saint John and the municipality of Saint Croix shall be transferred to the government of the Virgin Islands.

(July 22, 1954, ch. 558, §10, 68 Stat. 502.)

SUBCHAPTER IV—EXECUTIVE BRANCH

§ 1591. Governor and Lieutenant Governor; election; eligibility; official residence; powers and duties; report

The executive power of the Virgin Islands shall be vested in an executive officer whose official title shall be the "Governor of the Virgin Islands". The Governor of the Virgin Islands, together with the Lieutenant Governor, shall be elected by a majority of the votes cast by the people who are qualified to vote for the members of the legislature of the Virgin Islands. The Governor and Lieutenant Governor shall be chosen jointly, by the casting by each voter of a single vote applicable to both officers. If no candidates receive a majority of the votes cast in any election, on the fourteenth day thereafter a run-off election shall be held between the candidates for Governor and Lieutenant Governor receiving the highest and second highest number of votes cast. The first election for Governor and Lieutenant Governor shall be held on November 3, 1970. Thereafter, beginning with the year 1974, the Governor and Lieutenant Governor shall be elected every four years at the general election.

The Governor and Lieutenant Governor shall hold office for a term of four years and until their successors are elected and qualified. No person who has been elected Governor for two full successive terms shall be again eligible to hold that office until one full term has intervened. The term of the elected Governor and Lieutenant Governor shall commence on the first Monday of January following the date of election.

No person shall be eligible for election to the office of Governor or Lieutenant Governor unless he is an eligible voter and has been for five consecutive years immediately preceding the election a citizen of the United States and a bona fide resident of the Virgin Islands and will be, at the time of taking office, at least thirty years of age. The Governor shall maintain his official residence in the Government House on Saint Thomas during his incumbency, which house, together with land appurtenant thereto, is hereby transferred to the government of the Virgin Islands. While in Saint Croix the Governor may reside in Government House on Saint Croix, which house, together with land appurtenant thereto is also transferred to the government of the Virgin Islands.

The Governor shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against local laws. He may veto any legislation as provided in this chapter. He shall appoint, and may remove, all officers and employees of the executive branch of the government of the Virgin Islands, except as otherwise provided in this or any other Act of Congress, or under the laws of the Virgin Islands, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Virgin Islands and the laws of the United States applicable in the Virgin Islands. Whenever it becomes necessary, in case of disaster, invasion, insurrection, or rebellion or imminent danger thereof, or to prevent or suppress lawless violence, he may summon the posse comitatus or call out the militia or request assistance of the senior military or naval commander of the Armed Forces of the United States in the Virgin Islands or Puerto Rico, which may be given at the discretion of such commander if not disruptive of, or inconsistent with, his Federal responsibilities. He may, in case of rebellion or invasion or imminent danger thereof, when the public safety requires it, proclaim the islands, insofar as they are under the jurisdiction of the government of the Virgin Islands, to be under martial law. The members of the legislature shall meet forthwith on their own initiative and may, by a two-thirds vote, revoke such proclamation.

The Governor shall prepare, publish, and submit to the Congress and the Secretary of the Interior a comprehensive annual financial report in conformance with the standards of the National Council on Governmental Accounting within one hundred and twenty days after the close of the fiscal year. The comprehensive annual financial report shall include statistical

data as set forth in the standards of the National Council on Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The Governor shall also make such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall have the power to issue executive orders and regulations not in conflict with any applicable law. He may recommend bills to the legislature and give expression to his views on any matter before that body.

There is hereby established the office of Lieutenant Governor of the Virgin Islands. The Lieutenant Governor shall have such executive powers and perform such duties as may be assigned to him by the Governor or prescribed by this chapter or under the laws of the Virgin Islands.

(July 22, 1954, ch. 558, §11, 68 Stat. 503; Pub. L. 90-496, §4, Aug. 23, 1968, 82 Stat. 837; Pub. L. 97-357, title III, §309(a), Oct. 19, 1982, 96 Stat. 1710; Pub. L. 98-454, title V, §502, Oct. 5, 1984, 98 Stat. 1735; Pub. L. 105-362, title IX, §901(n), Nov. 10, 1998, 112 Stat. 3290.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables.

AMENDMENTS

1998—Pub. L. 105-362, in fourth paragraph, struck out "The Governor shall transmit the comprehensive annual financial report to the Inspector General of the Department of the Interior who shall audit it and report his findings to the Congress." after "other information required by the Congress." and "He shall also submit to the Congress, the Secretary of the Interior, and the cognizant Federal auditors a written statement of actions taken or contemplated on Federal audit recommendations within sixty days after the issuance date of the audit report." after "under applicable Federal law."

1984—Pub. L. 98-454 substituted "Saint Croix, which house, together with land appurtenant thereto is also transferred to the government of the Virgin Islands" for "Saint Croix free of rent" in second paragraph.

1982—Pub. L. 97-357, in fourth paragraph, substituted provisions relating to the preparation, etc., of a comprehensive annual financial report to be submitted to the Congress, the Secretary of the Interior, and the Inspector General of the Department of the Interior, preparation of other reports as required by Congress or applicable Federal law, and submittal of a written statement of actions taken or contemplated on Federal audit recommendations for provisions relating to an annual report of transactions of the Virgin Islands government to the Secretary of the Interior for transmittal to Congress and such other reports as required by Congress or applicable Federal law.

1968—Pub. L. 90-496 amended section generally, providing for the popular election of the Governor and Lieutenant Governor, setting the date of the first election, defining the scope of their authority, setting out the duties of their offices, specifying the qualifications for the offices of Governor and Lieutenant Governor, and providing that an elected Governor may serve two full successive terms but shall not be again eligible to hold that office until one full term has intervened.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 16 of Pub. L. 90-496 provided that: "Those provisions of this Act [see Short Title note set out under section 1541 of this title] necessary to authorize the holding of an election for Governor and Lieutenant Governor on November 3, 1970, shall be effective January 1, 1970. All other provisions of this Act, unless otherwise expressly provided herein, shall be effective January 4, 1971."

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in the 1st sentence of the 4th par. of this section relating to the requirement that the Governor submit a comprehensive annual financial report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 11th item on page 115 of House Document No. 103-7.

SUBMERGED LANDS, CONVEYANCE TO TERRITORY

Conveyance of submerged lands to the government of the Virgin Islands, see section 1701 et seq. of this title.

§ 1592. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 657

Section, act July 22, 1954, ch. 558, § 20(a), 68 Stat. 505, prescribed compensation of Governor.

CODIFICATION

Section 20 of act July 22, 1954, was amended in its entirety by section 10 of Pub. L. 90-496, Aug. 23, 1968, 82 Stat. 841, which consolidated the text of said section 20 into a single unlettered paragraph, classified to section 1641 of this title. Prior to the 1968 amendment said section 20 was comprised of subsecs. (a) to (c). Subsec. (a) was classified to this section, and subsecs. (b) and (c) were classified to sections 1598 and 1641, respectively, of this title.

§ 1593. Initiative and recall

(a) Grant of rights

The people of the Virgin Islands shall have the rights of initiative and recall to be exercised as provided in subsection (b) and subsection (c) of this section, respectively.

(b) Initiative

(1) An initiative may enact, amend, or repeal any law, except that an initiative shall not be used to repeal a law declared by the legislature at the time of passage to be an emergency law necessary for the preservation of the public health, safety, or peace.

(2) An initiative that proposes a reduction of taxes shall also provide for an equivalent reduction of expenditures or an equivalent increase in revenues from other sources.

(3) An initiative shall address one subject only and matters reasonably related to that subject.

(4) The ballot question shall be in such form that a "yes" vote is a vote in favor of the proposal and a "no" vote is a vote against the proposal.

(5) A copy of the proposed initiative petition, including a complete text of the proposed law and containing signatures equal to at least 1 percent of the voters of each legislative district or 4 percent of all voters of the Virgin Islands must be submitted to the Supervisor of Elections prior to circulation for ballot qualification. The Supervisor of Elections must determine within 10 days after the submission wheth-

er the preliminary signatures are sufficient. If so determined, the Supervisor of Elections shall refer the preliminary petition to an initiative titling board consisting of the Attorney General, the Supervisor of Elections, and the legislative counsel of the legislature. The board shall, in an open hearing, prepare the official ballot title, the submission question, and a summary of the initiative proposal, and this preparation shall be completed within 30 days after the referral.

(6) After the ballot title has been written, proponents of the initiative proposal shall have a maximum of 180 days to circulate the petition. Petitions containing signatures equal to at least 10 percent of the voters of each legislative district or 41 percent of all voters of the Virgin Islands must be submitted to the Supervisor of Elections. The Supervisor shall have 15 days to determine that the minimum number of valid signatures are contained in the petition and he shall forward the certified proposal to the legislature which must accept or reject the measure within 30 days. If approved, the initiative shall take effect in accordance with its terms. If the legislature does not approve, the initiative shall be submitted to the voters at the next general election, unless the legislature approves a special election for this purpose. The legislature may submit its own version of the initiative to the voters. Should both measures be approved by the voters, the measure receiving the higher number of votes shall prevail. The voters shall have a clear alternative of rejecting either version or the entire proposition.

(7) An initiative submitted to the voters shall take effect if the initiative is approved by a majority of persons voting and if a majority of the voters of the Virgin Islands vote on the initiative. An initiative may not be vetoed by the Governor, and when approved by the voters, may not be amended or repealed by the legislature during the 3-year period after its approval unless the legislature acts by a two-thirds majority.

(8) The legislature may provide the manner in which petitions shall be circulated, filed, certified, and the ballot question shall be submitted to the voters.

(c) Recall

(1) An elected public official of the Virgin Islands may be removed from office by a recall election carried out under this subsection. The grounds for recall are any of the following: lack of fitness, incompetence, neglect of duty, or corruption.

(2) A recall election may be initiated by a two-thirds vote of the members of the legislature or by a petition under this subsection.

(3) Prior to circulation a recall petition which identifies by name and office the official being recalled and which states the grounds for recall shall be submitted to the Supervisor of Elections. The sponsors of the recall petition shall be allowed a period of 60 days after such submission for filing with the Supervisor of Elections a list of signatures equal in number to at least 50 percent of the whole number of votes cast for that office in the last general election at which that office was filled. The Supervisor of Elections shall have 15 days in which to determine

whether the minimum number of valid signatures are contained in the recall petition.

(4) A special recall election shall be held with respect to an elected public official not earlier than 30 days after a vote of the legislature under paragraph (2) or a determination of the board of elections under paragraph (3), as the case may be, and not later than 60 days after such vote or determination.

(5) An official shall be removed from office upon approval of the recall in an election in which at least two-thirds of the number of persons voting for such official in the last preceding general election at which such official was elected vote in favor of recall and in which those so voting constitute a majority of all those participating in such recall election.

(6) No recall election shall be held with respect to an elected public official—

(A) during the first year of the first term of office of the official; or

(B) less than 3 months before a general election for the office.

(d) “Law” and “voter” defined

As used in this section, the term—

(1) “law” means a law of the Virgin Islands; and

(2) “voter” means a registered voter who is eligible to vote on the issue or for the office involved.

(July 22, 1954, ch. 558, §12, 68 Stat. 503; Pub. L. 90-496, §5, Aug. 23, 1968, 82 Stat. 838; Pub. L. 99-396, §1, Aug. 27, 1986, 100 Stat. 837.)

AMENDMENTS

1986—Pub. L. 99-396 amended section generally, substituting provisions giving people of Virgin Islands the rights of initiative and recall and spelling out ways in which those rights are to be exercised for provisions which had formerly only set out a method for removal of Governor by referendum election.

1968—Pub. L. 90-496 substituted provisions authorizing the removal of the Governor from office by a recall referendum for provisions authorizing the appointment of a Government Secretary for the Virgin Islands, and provisions setting forth his powers and duties.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90-496, effective Jan. 4, 1971, see section 16 of Pub. L. 90-496, set out as a note under section 1591 of this title.

§ 1594. Repealed. Pub. L. 90-496, § 6, Aug. 23, 1968, 82 Stat. 839

Section, act July 22, 1954, ch. 558, §13, 68 Stat. 503, authorized the Governor to appoint an administrative assistant to reside in St. Croix and an administrative assistant to reside in St. John.

EFFECTIVE DATE OF REPEAL

Section 6 of Pub. L. 90-496 provided in part that the repeal of this section is effective on the date of enactment of Pub. L. 90-496, which was approved Aug. 23, 1968.

§ 1595. Vacancy in office of Governor or Lieutenant Governor

(a) Temporary disability or temporary absence of Governor

In case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor.

(b) Permanent vacancy in office of Governor; Lieutenant Governor as Governor; term of office

In case of a permanent vacancy in the office of Governor, arising by reason of the death, resignation, removal by recall or permanent disability of the Governor, or the death, resignation, or permanent disability of a Governor-elect, or for any other reason, the Lieutenant Governor or Lieutenant Governor-elect shall become the Governor, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Governor.

(c) Temporary disability or temporary absence of Lieutenant Governor; president of legislature as Lieutenant Governor

In case of the temporary disability or temporary absence of the Lieutenant Governor, or during any period when the Lieutenant Governor is acting as Governor, the president of the legislature shall act as Lieutenant Governor.

(d) Permanent vacancy in office of Lieutenant Governor; Governor to appoint new Lieutenant Governor with advice and consent of legislature; term of office

In case of a permanent vacancy in the office of Lieutenant Governor, arising by reason of the death, resignation, or permanent disability of the Lieutenant Governor, or because the Lieutenant Governor or Lieutenant Governor-elect has succeeded to the office of Governor, the Governor shall appoint a new Lieutenant Governor, with the advice and consent of the legislature, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Lieutenant Governor.

(e) Temporary disability or temporary absence of Governor and Lieutenant Governor; appointment of Acting Governor; permanent vacancies in offices of Governor and Lieutenant Governor; appointment of Governor

In case of the temporary disability or temporary absence of both the Governor and the Lieutenant Governor, the powers of the Governor shall be exercised, as Acting Governor, by such person as the laws of the Virgin Islands may prescribe. In case of a permanent vacancy in the offices of both the Governor and Lieutenant Governor, the office of Governor shall be filled for the unexpired term in the manner prescribed by the laws of the Virgin Islands.

(f) Additional compensation

No additional compensation shall be paid to any person acting as Governor or Lieutenant Governor who does not also assume the office of Governor or Lieutenant Governor under the provisions of this chapter.

(July 22, 1954, ch. 558, §14, 68 Stat. 504; Pub. L. 90-496, §7(a), Aug. 23, 1968, 82 Stat. 839.)

AMENDMENTS

1968—Pub. L. 90-496 designated existing provisions as subsec. (a), substituted provisions that in case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor for provisions that in case of a vacancy in the office of Governor or the disability of the Governor or the temporary absence of the Governor, the Government Secretary shall have all the powers of the Governor, and added subsecs. (b) to (f).

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90-496, effective Jan. 4, 1971, see section 16 of Pub. L. 90-496, set out as a note under section 1591 of this title.

§ 1596. Repealed. Pub. L. 104-186, title II, § 224(3), Aug. 20, 1996, 110 Stat. 1752

Section, act July 22, 1954, ch. 558, § 15, as added May 27, 1975, Pub. L. 94-26, § 2, 89 Stat. 94, related to clerk hire allowance and reimbursement for transportation expenses of the Delegate from the Virgin Islands to the House of Representatives.

§ 1597. Reorganization of government

(a) Consolidation of departments, bureaus, etc.; popular election of school board members

The Governor shall, within one year after July 22, 1954, reorganize and consolidate the existing executive departments, bureaus, independent boards, agencies, authorities, commissions, and other instrumentalities of the government of the Virgin Islands or of the municipal governments into not more than nine executive departments except for independent bodies whose existence may be required by Federal law for participation in Federal programs. The head of each executive department other than the department of law shall be designated as the commissioner thereof, and the commissioner of finance shall be bonded. The head of the department of law shall be known as the attorney general of the Virgin Islands. Members of school boards, which entities of government have been duly organized and established by the government of the Virgin Islands, shall be popularly elected.

(b) Changes after examination from time to time

The Governor shall, from time to time, after complying with the provisions of subsection (a) of this section, examine the organization of the executive branch of the government of the Virgin Islands, and shall make such changes therein, subject to the approval of the legislature, not inconsistent with this chapter, as he determines are necessary to promote effective management and to execute faithfully the purposes of this chapter and the laws of the Virgin Islands.

(c) Appointment of department heads; tenure; removal; powers and duties; appointments to boards, etc.

The heads of the executive departments created by this chapter shall be appointed by the Governor, with the advice and consent of the legislature. Each shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is appointed and qualified, unless sooner removed by

the Governor. Each shall have such powers and duties as may be prescribed by the legislature. The chairman and members of any board, authority, or commission established by the laws of the Virgin Islands shall, if the laws of the Virgin Islands hereafter provide, also be appointed by the Governor with the advice and consent of the legislature, if such board, authority, or commission has quasi-judicial functions: *Provided*, That no law of the Virgin Islands dealing with the chairmanship, membership, or chairmanship and membership of any such board, authority, or commission, and requiring an appointment or appointments to be made with the advice and consent of the legislature, shall relate to more than one such board, authority, or commission, nor shall it relate to any other legislative matter.

(July 22, 1954, ch. 558, § 16, 68 Stat. 504; Pub. L. 85-224, Aug. 30, 1957, 71 Stat. 510; Pub. L. 86-289, § 3, Sept. 16, 1959, 73 Stat. 569; Pub. L. 90-496, § 8(a), Aug. 23, 1968, 82 Stat. 839.)

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-496 substituted provisions that members of school boards which have been duly organized by the government of the Virgin Islands be popularly elected for provisions that required the approval of the Secretary of the Interior for the establishment of any new department, agency, or other instrumentality by the Governor or the legislature, unless such department, agency, etc., was required by Federal law for participation in Federal programs.

1959—Subsec. (a). Pub. L. 86-289 provided that the head of the department of law should be known as the attorney general of the Virgin Islands.

1957—Subsec. (c). Pub. L. 85-224 provided for appointments to boards, authorities or commissions.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90-496, effective Jan. 4, 1971, see section 16 of Pub. L. 90-496, set out as a note under section 1591 of this title.

§ 1598. Omitted

CODIFICATION

Section, act July 22, 1954, ch. 558, § 20(b), 68 Stat. 505, which related to compensation of the Government Secretary, department heads, and staffs of the Governor and Government Secretary, was superseded by section 10 of Pub. L. 90-496, Aug. 23, 1968, 82 Stat. 841, which amended section 1641 of this title. See Codification note set out under section 1641 of this title.

§ 1599. Transfer of functions from government comptroller for Virgin Islands to Inspector General, Department of the Interior

(a) Functions, powers, and duties transferred

The following functions, powers, and duties heretofore vested in the government comptroller for the Virgin Islands are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the government of the Virgin Islands:

(1) The authority to audit all accounts pertaining to the revenue and receipts of the gov-

ernment of the Virgin Islands, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands including those pertaining to trust funds held by the government of the Virgin Islands.

(2) The authority to report to the Secretary of the Interior and the Governor of the Virgin Islands all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law.

(b) Scope of authority transferred

The authority granted in paragraph (a) of this section shall extend to all activities of the government of the Virgin Islands, and shall be in addition to the authority conferred upon the Inspector General by the Inspector General Act of 1978 (92 Stat. 1101), as amended.

(c) Transfer of personnel, assets, etc., of office of government comptroller for Virgin Islands to Office of Inspector General, Department of the Interior

In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the office of the government comptroller for the Virgin Islands related to its audit function are hereby transferred to the Office of Inspector General, Department of the Interior.

(July 22, 1954, ch. 558, §17, as added Pub. L. 97-357, title III, §309(b), Oct. 19, 1982, 96 Stat. 1710.)

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsec. (b), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 1599, acts July 22, 1954, ch. 558, §17, 68 Stat. 505; Aug. 28, 1958, Pub. L. 85-851, §§4, 5, 72 Stat. 1094, 1095; Mar. 20, 1962, Pub. L. 87-421, 76 Stat. 43; Aug. 23, 1968, Pub. L. 90-496, §9, 82 Stat. 840; Oct. 15, 1977, Pub. L. 95-134, title III, §301(a), 91 Stat. 1162, related to appointment, status, and duties of the government comptroller for the Virgin Islands, prior to repeal by Pub. L. 97-357, §309(b).

SUBCHAPTER V—JUDICIAL BRANCH

§ 1611. District Court of Virgin Islands; local courts; jurisdiction; practice and procedure

(a) District Court of Virgin Islands; local courts

The judicial power of the Virgin Islands shall be vested in a court of record designated the "District Court of the Virgin Islands" established by Congress, and in such appellate court and lower local courts as may have been or may hereafter be established by local law.

(b) Jurisdiction

The legislature of the Virgin Islands may vest in the courts of the Virgin Islands established by

local law jurisdiction over all causes in the Virgin Islands over which any court established by the Constitution and laws of the United States does not have exclusive jurisdiction. Such jurisdiction shall be subject to the concurrent jurisdiction conferred on the District Court of the Virgin Islands by section 1612(a) and (c) of this title.

(c) Practice and procedure

The rules governing the practice and procedure of the courts established by local law and those prescribing the qualifications and duties of the judges and officers thereof, oaths and bonds, and the times and places of holding court shall be governed by local law or the rules promulgated by those courts.

(July 22, 1954, ch. 558, §21, 68 Stat. 506; Pub. L. 98-454, title VII, §702, Oct. 5, 1984, 98 Stat. 1737.)

AMENDMENTS

1984—Pub. L. 98-454 designated existing provisions as subsec. (a), inserted "established by Congress" before "and in such" and substituted "appellate court and lower local courts as may have been or may hereafter be established by local law" for "court or courts of inferior jurisdiction as have been or may hereafter be established by local law", and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

§ 1612. Jurisdiction of District Court

(a) Jurisdiction

The District Court of the Virgin Islands shall have the jurisdiction of a District Court of the United States, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28 and that of a bankruptcy court of the United States. The District Court of the Virgin Islands shall have exclusive jurisdiction over all criminal and civil proceedings in the Virgin Islands with respect to the income tax laws applicable to the Virgin Islands, regardless of the degree of the offense or of the amount involved, except the ancillary laws relating to the income tax enacted by the legislature of the Virgin Islands. Any act or failure to act with respect to the income tax laws applicable to the Virgin Islands which would constitute a criminal offense described in chapter 75 of subtitle F of title 26 shall constitute an offense against the government of the Virgin Islands and may be prosecuted in the name of the government of the Virgin Islands by the appropriate officers thereof in the District Court of the Virgin Islands without the request or the consent of the United States attorney for the Virgin Islands, notwithstanding the provisions of section 1617 of this title.

(b) General jurisdiction; limitations

In addition to the jurisdiction described in subsection (a) the District Court of the Virgin Islands shall have general original jurisdiction in all causes in the Virgin Islands the jurisdiction over which is not then vested by local law in the local courts of the Virgin Islands: *Provided*, That the jurisdiction of the District Court of the Virgin Islands under this subsection shall

not extend to civil actions wherein the matter in controversy does not exceed the sum or value of \$500, exclusive of interest and costs; to criminal cases wherein the maximum punishment which may be imposed does not exceed a fine of \$100 or imprisonment for six months, or both; and to violations of local police and executive regulations. The courts established by local law shall have jurisdiction over the civil actions, criminal cases, and violations set forth in the preceding proviso. In causes brought in the district court solely on the basis of this subsection, the district court shall be considered a court established by local law for the purposes of determining the availability of indictment by grand jury or trial by jury.

(c) Criminal offenses; concurrent jurisdiction with local courts

The District Court of the Virgin Islands shall have concurrent jurisdiction with the courts of the Virgin Islands established by local law over those offenses against the criminal laws of the Virgin Islands, whether felonies or misdemeanors or both, which are of the same or similar character or part of, or based on, the same act or transaction or two or more acts or transactions connected together or constituting part of a common scheme or plan, if such act or transaction or acts or transactions also constitutes or constitute an offense or offenses against one or more of the statutes over which the District Court of the Virgin Islands has jurisdiction pursuant to subsections (a) and (b) of this section.

(July 22, 1954, ch. 558, §22, 68 Stat. 506; Pub. L. 95-598, title III, §336(a), Nov. 6, 1978, 92 Stat. 2680; Pub. L. 98-454, title VII, §703(a), title X, §1001, Oct. 5, 1984, 98 Stat. 1738, 1745; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables.

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-514 substituted "Internal Revenue Code of 1986" for "Internal Revenue Code of 1954", which for purposes of codification was translated as "title 26" thus requiring no change in text.

1984—Pub. L. 98-454 amended section generally, designating existing provisions as subsec. (a), substituted provisions that District Court would have all jurisdiction of a district court of the United States, including diversity jurisdiction and bankruptcy jurisdiction as well as civil and criminal matters regarding the income tax laws applicable to the Virgin Islands for former provisions conferring general jurisdiction on the court and providing for the transfer of cases, repealed section 336 of Pub. L. 95-598, which had amended this section, and added subsecs. (b) and (c).

1978—Pub. L. 95-598 inserted "and a bankruptcy court" after "jurisdiction of a district court".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 402(e) of Pub. L. 95-598, which provided a prospective effective date for the amendment of this section by section 336(a) of Pub. L. 95-598, was repealed by section 1001 of Pub. L. 98-454.

JURISDICTION OF DISTRICT COURT OVER PENDING CASES

Section 703(b) of Pub. L. 98-454 provided that: "The provisions of this section [amending this section] shall not result in the loss of jurisdiction of the District Court of the Virgin Islands over any complaint or proceeding pending in it on the day preceding the effective date of this amendatory Act [see Effective Date of 1984 Amendment note set out under section 1424 of this title] and such complaint and proceeding may be pursued to final determination in the District Court of the Virgin Islands, the United States Court of Appeals for the Third Circuit, and the Supreme Court, notwithstanding the provisions of this amendatory Act [Pub. L. 98-454]."

§ 1613. Relations between courts of United States and courts of Virgin Islands; review by United States Court of Appeals for Third Circuit; reports to Congress; rules

The relations between the courts established by the Constitution or laws of the United States and the courts established by local law with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings shall be governed by the laws of the United States pertaining to the relations between the courts of the United States, including the Supreme Court of the United States, and the courts of the several States in such matters and proceedings: *Provided*, That for the first fifteen years following the establishment of the appellate court authorized by section 1611(a) of this title, the United States Court of Appeals for the Third Circuit shall have jurisdiction to review by writ of certiorari all final decisions of the highest court of the Virgin Islands from which a decision could be had. The Judicial Council of the Third Circuit shall submit reports to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives at intervals of five years following the establishment of such appellate court as to whether it has developed sufficient institutional traditions to justify direct review by the Supreme Court of the United States from all such final decisions. The United States Court of Appeals for the Third Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this section.

(July 22, 1954, ch. 558, §23, 68 Stat. 506; Pub. L. 98-454, title VII, §704, Oct. 5, 1984, 98 Stat. 1739; Pub. L. 103-437, §17(a)(4), Nov. 2, 1994, 108 Stat. 4595.)

AMENDMENTS

1994—Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" before "of the House".

1984—Pub. L. 98-454 amended section generally, substituting provisions relating to the relations between local law courts and already established courts under the Constitution or laws of the United States with respect to appeals, certiorari, etc. and providing that the Court of Appeals for the Third Circuit shall have jurisdiction to review all final decisions from the highest court of the Virgin Islands for fifteen years after the

appellate court is established for former provisions relating to the jurisdiction of inferior courts, transfer of actions, status as committing court, bail and rules.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which a report required under this section is listed as the 1st item on page 13), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 1613a. Appellate jurisdiction of District Court; procedure; review by United States Court of Appeals for Third Circuit; rules; appeals to appellate court

(a) Appellate jurisdiction of District Court

Prior to the establishment of the appellate court authorized by section 1611(a) of this title, the District Court of the Virgin Islands shall have such appellate jurisdiction over the courts of the Virgin Islands established by local law to the extent now or hereafter prescribed by local law: *Provided*, That the legislature may not preclude the review of any judgment or order which involves the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the Government of the United States, or the conformity of any law enacted by the legislature of the Virgin Islands or of any order or regulation issued or action taken by the executive branch of the government of the Virgin Islands with the Constitution, treaties, or laws of the United States, including this chapter, or any authority exercised thereunder by an officer or agency of the United States.

(b) Appellate division of District Court; quorum; presiding judge; designation of judges; decisions

Appeals to the District Court of the Virgin Islands shall be heard and determined by an appellate division of the court consisting of three judges, of whom two shall constitute a quorum. The chief judge of the district court shall be the presiding judge of the appellate division and shall preside therein unless disqualified or otherwise unable to act. The other judges who are to sit in the appellate division at any session shall be designated by the presiding judge from among the judges who are serving on, or are assigned to, the district court from time to time pursuant to section 1614(a) of this chapter: *Provided*, That no more than one of them may be a judge of a court established by local law. The concurrence of two judges shall be necessary to any decision by the appellate division of the district court on the merits of an appeal, but the presiding judge alone may make any appropriate orders with respect to an appeal prior to the hearing and determination thereof on the merits and may dismiss an appeal for want of jurisdiction or failure to take or prosecute it in accordance with the applicable law or rules of proce-

dure. Appeals pending in the district court on the effective date of this Act¹ shall be heard and determined by a single judge.

(c) United States Court of Appeals for Third Circuit; jurisdiction; appeals; rules

The United States Court of Appeals for the Third Circuit shall have jurisdiction of appeals from all final decisions of the district court on appeal from the courts established by local law. The United States Court of Appeals for the Third Circuit shall have jurisdiction to promulgate rules necessary to carry out the provisions of this subsection.

(d) Appeals to appellate court; effect on District Court

Upon the establishment of the appellate court provided for in section 1611(a) of this title all appeals from the decisions of the courts of the Virgin Islands established by local law not previously taken must be taken to that appellate court. The establishment of the appellate court shall not result in the loss of jurisdiction of the district court over any appeal then pending in it. The rulings of the district court on such appeals may be reviewed in the United States Court of Appeals for the Third Circuit and in the Supreme Court notwithstanding the establishment of the appellate court.

(July 22, 1954, ch. 558, §23A, as added Pub. L. 98-454, title VII, §705, Oct. 5, 1984, 98 Stat. 1739.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original "this Act", meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables.

The effective date of this Act, referred to in subsec. (b), probably means the effective date of title VII of Pub. L. 98-454, which is 90 days after Oct. 5, 1984, and which enacted this section.

EFFECTIVE DATE

Section effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as an Effective Date of 1984 Amendment note under section 1424 of this title.

§ 1614. Judges of District Court

(a) Appointment; tenure; removal; chief judge; compensation

The President shall, by and with the advice and consent of the Senate, appoint two judges for the District Court of the Virgin Islands, who shall hold office for terms of ten years and until their successors are chosen and qualified, unless sooner removed by the President for cause. The judge of the district court who is senior in continuous service and who otherwise qualifies under section 136(a) of title 28 shall be the chief judge of the court. The salary of a judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the district court, the chief judge

¹ See References in Text note below.

of the Third Judicial Circuit of the United States may assign a judge of a court of record of the Virgin Islands established by local law, or a circuit or district judge of the Third Judicial Circuit, or a recalled senior judge of the District Court of the Virgin Islands, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The compensation of the judges of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States.

(b) Criminal offenses; procedure; definitions; indictment and information

Where appropriate, the provisions of part II of title 18 and of title 28 and, notwithstanding the provisions of rule 7(a) and of rule 54(a) of the Federal Rules of Criminal Procedure relating to the requirement of indictment and to the prosecution of criminal offenses in the Virgin Islands by information, respectively, the rules of practice heretofore or hereafter promulgated and made effective by the Congress or the Supreme Court of the United States pursuant to titles 11, 18, and 28 shall apply to the district court and appeals therefrom: *Provided*, That the terms “Attorney for the government” and “United States attorney” as used in the Federal Rules of Criminal Procedure, shall, when applicable to causes arising under the income tax laws applicable to the Virgin Islands, mean the Attorney General of the Virgin Islands or such other person or persons as may be authorized by the laws of the Virgin Islands to act therein: *Provided further*, That in the district court all criminal prosecutions under the laws of the United States, under local law under section 1612(c) of this title, and under the income tax laws applicable to the Virgin Islands may be had by indictment by grand jury or by information: *Provided further*, That an offense which has been investigated by or presented to a grand jury may be prosecuted by information only by leave of court or with the consent of the defendant. All criminal prosecutions arising under local law which are tried in the district court pursuant to section 1612(b) of this title shall continue to be had by information, except such as may be required by the local law to be prosecuted by indictment by grand jury.

(c) United States marshal

The Attorney General shall appoint a United States marshal for the Virgin Islands, to whose office the provisions of chapter 37 of title 28 shall apply.

(July 22, 1954, ch. 558, §24, 68 Stat. 506; Pub. L. 85-851, §7, Aug. 28, 1958, 72 Stat. 1095; Pub. L. 91-272, §3(b), June 2, 1970, 84 Stat. 296; Pub. L. 98-454, title VII, §706(a), (b), Oct. 5, 1984, 98 Stat. 1740.)

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (b), are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

CODIFICATION

In subsec. (c), “chapter 37 of title 28” substituted for “chapter 33 of title 28” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, section 4(c) of which revised part II of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-454, §706(a), substituted provisions extending the term of a judge of the district court from eight to ten years, further substituted “of a court of the Virgin Islands established by local law,” for “a judge of the municipal court of the Virgin Islands,” in third sentence, and inserted provisions regarding the designation of the chief judge.

Subsec. (b). Pub. L. 98-454, §706(b), substituted provisions relating to criminal procedure in the district courts for former provisions which related to the chief judge of the district court and which are now set out in subsec. (a).

1970—Subsec. (a). Pub. L. 91-272 designated existing provisions as subsec. (a), increased from one to two the number of district judges, added judges of the municipal court of the Virgin Islands to the list of judges from which may be drawn temporary judges for the district court, and transferred to subsec. (c) provisions covering the appointment of a United States marshal for the Virgin Islands.

Subsec. (b). Pub. L. 91-272 added subsec. (b).

Subsec. (c). Pub. L. 91-272 added subsec. (c), the substance of which was formerly contained in subsec. (a).

1958—Pub. L. 85-851 substituted “the Attorney General shall appoint a United States marshal” for “the Attorney General shall, as heretofore, appoint a marshal and one deputy marshal”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

CHIEF JUDGE; DISTRICT COURT; DETERMINATION AND QUALIFICATIONS

Section 706(c) of Pub. L. 98-454 provided that: “The provisions of subsection (a) of this section [amending this section] regarding the determination and qualifications of the chief judge of the District Court of the Virgin Islands shall not apply to a person serving as chief judge of said court on the effective date of this Act [see Effective Date of 1984 Amendment note set out under section 1424 of this title].”

EXTENSION OF TERM OF DISTRICT JUDGES

Extension of term of district court judges to ten years applicable to judges holding office on Oct. 5, 1984, see section 1004 of Pub. L. 98-454, set out as a note under section 1424b of this title.

PRESENT INCUMBENT

Enactment of this chapter as not affecting term of office of judge of the District Court of the Virgin Islands in office on the date of its enactment, see Effective Date note set out under section 1541 of this title.

RESIGNATION AND RETIREMENT OF JUDGES

Resignation and retirement of judges in the Territories and possessions, see section 373 of Title 28, Judiciary and Judicial Procedure.

§ 1615. Judicial divisions

The Virgin Islands consists of two judicial divisions; the Division of Saint Croix, comprising the island of Saint Croix and adjacent islands and cays, and the Division of Saint Thomas and Saint John, comprising the islands of Saint Thomas and Saint John and adjacent islands and cays.

(July 22, 1954, ch. 558, §25, 68 Stat. 507; Pub. L. 95-598, title III, §336(b), Nov. 6, 1978, 92 Stat. 2680; Pub. L. 98-454, title VII, §707, title X, §1001, Oct. 5, 1984, 98 Stat. 1741, 1745; Pub. L. 101-219, title II, §203, Dec. 12, 1989, 103 Stat. 1874.)

AMENDMENTS

1989—Pub. L. 101-219 struck out provision that court for the Division of Saint Croix be held in Christiansted and for the Division of Saint Thomas and Saint John at Charlotte Amalie.

1984—Pub. L. 98-454 amended section generally, inserting provisions setting forth places for the holding of court of each judicial division and striking out provisions relating to the applicability of procedural rules and prosecutions by information and indictment, which are now covered under section 1614 of this title, and repealed section 336 of Pub. L. 95-598 which had amended this section.

1978—Pub. L. 95-598 substituted “section 2075 of title 28 in cases under title 11” for “section 53 of title 11 in bankruptcy cases”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 402(e) of Pub. L. 95-598, which provided a prospective effective date for the amendment of this section by section 336(b) of Pub. L. 95-598, was repealed by section 1001 of Pub. L. 98-454.

§ 1616. Trial by jury

All criminal cases originating in the district court shall be tried by jury upon demand by the defendant or by the Government. If no jury is demanded the case shall be tried by the judge of the district court without a jury, except that the judge may, on his own motion, order a jury for the trial of any criminal action. The legislature may provide for trial in misdemeanor cases by a jury of six qualified persons.

(July 22, 1954, ch. 558, §26, 68 Stat. 507; Pub. L. 85-851, §8, Aug. 28, 1958, 72 Stat. 1095.)

AMENDMENTS

1958—Pub. L. 85-851 substituted requirement of jury trial upon demand by defendant or Government for prohibition against denial to any person on demand of either party.

§ 1617. United States attorney; appointment; duties

The President shall, by and with the advice and consent of the Senate, appoint a United States attorney for the Virgin Islands to whose office the provisions of chapter 35 of title 28, shall apply. Except as otherwise provided by law it shall be the duty of the United States attorney to prosecute all offenses against the United States and to conduct all legal proceedings, civil and criminal, to which the Government of the United States is a party in the district court and in the courts established by local law. He shall also prosecute in the district court in the name of the government of the Virgin Islands all offenses against the laws of the Virgin Islands which are cognizable by that court unless, at his request or with his consent, the prosecution of any such case is conducted by the attorney general of the Virgin Islands. The United States at-

torney may, when requested by the Governor or the attorney general of the Virgin Islands, conduct any other legal proceedings to which the government of the Virgin Islands is a party in the district court or the courts established by local law.

(July 22, 1954, ch. 558, §27, 68 Stat. 507; Pub. L. 85-851, §9, Aug. 28, 1958, 72 Stat. 1095; Pub. L. 86-289, §4, Sept. 16, 1959, 73 Stat. 569; Pub. L. 92-24, June 2, 1971, 85 Stat. 76; Pub. L. 98-454, title VII, §708, Oct. 5, 1984, 98 Stat. 1741.)

AMENDMENTS

1984—Pub. L. 98-454 substituted “courts established by local law” for “inferior courts of the Virgin Islands” wherever appearing and struck out provisions relating to vacancies in the office of United States attorney for the Virgin Islands.

1971—Pub. L. 92-24 substituted “chapter 35” for “chapter 31” and struck out “except that the Attorney General shall not appoint more than one assistant United States attorney for the Virgin Islands” after “shall apply”.

1959—Pub. L. 86-289 substituted provisions making chapter 31 of title 28 applicable to United States attorney and by provisions specifying his duties, for provisions which prescribed his term of office and provided for his compensation, provided for appointment and compensation of his assistant and employees, and provided that he or his assistant conduct all legal proceedings in which the United States Government or the government of the Virgin Islands is a party in the District Court and inferior courts.

1958—Pub. L. 85-851 substituted “United States attorney” for “district attorney” wherever appearing.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-454 effective on ninetieth day following Oct. 5, 1984, see section 1005 of Pub. L. 98-454, set out as a note under section 1424 of this title.

SUBCHAPTER VI—SYSTEM OF ACCOUNTS

§ 1631. Establishment and maintenance; scope

The Governor shall establish and maintain systems of accounting and internal control designed to provide—

(a) full disclosure of the financial results of the government’s activities;

(b) adequate financial information needed for the government’s management purposes;

(c) effective control over and accountability for all funds, property, and other assets for which the government is responsible, including appropriate internal audit; and

(d) reliable accounting results to serve as the basis for preparation and support of the government’s request for the approval of the President or his designated representative for the obligation and expenditure of the internal revenue collections as provided in section 26, the Governor’s budget request to the legislature, and for controlling the execution of the said budget.

(July 22, 1954, ch. 558, §18, 68 Stat. 505.)

REFERENCES IN TEXT

Section 26, referred to in subsec. (d), probably means section 26 of S. 3378 (act July 22, 1954, ch. 558, 68 Stat. 497) prior to the submission of S. 3378 to the Conference Committee which redesignated section 26 as section 28 of S. 3378. Said section 28 was composed of subsecs. (a) to (d). Subsecs. (a), (c), and (d) thereof enacted sections

1642, 1643, and 1644 of this title, respectively. Subsec. (b) thereof added subsec. (c) to section 3350 of former Title 26, Internal Revenue Code. Reference to section 3350(c) of former Title 26 is deemed a reference to section 7652(b)(3) of Title 26, Internal Revenue Code. See section 7852(b) of Title 26, Internal Revenue Code, which provides that any reference in any other law to a provision of the Internal Revenue Code of 1939 be deemed a reference to the corresponding provisions of the Internal Revenue Code of 1986.

AGREEMENT REGARDING FINANCIAL ACCOUNTABILITY
AND PERFORMANCE STANDARDS

Pub. L. 106-84, § 2, Oct. 28, 1999, 113 Stat. 1295, provided that:

“(a) IN GENERAL.—The Secretary of the Interior is authorized to enter into an agreement with the Governor of the Virgin Islands establishing mutually agreed financial accountability and performance standards for the fiscal operations of the Government of the Virgin Islands.

“(b) TRANSMISSION TO CONGRESS.—Upon ratification of the agreement authorized in subsection (a) by both parties, the Secretary shall forward a copy of the agreement to the Committee on Resources [now Committee on Natural Resources] in the House of Representatives and the Committee on Energy and Natural Resources in the Senate.”

§ 1632. Repealed. Pub. L. 90-496, § 14, Aug. 23, 1968, 82 Stat. 842

Section, act July 22, 1954, ch. 558, § 19, 68 Stat. 505, authorized Comptroller General of United States to review annually the office and activities of Government Comptroller of Virgin Islands, and report thereon to Governor, Secretary of the Interior, and Congress.

EFFECTIVE DATE OF REPEAL

Section 14 of Pub. L. 90-496 provided that repeal of this section is effective on date of enactment of Pub. L. 90-496, which was approved Aug. 23, 1968.

SUBCHAPTER VII—FISCAL PROVISIONS

§ 1641. Method of payment of official salaries

The salaries and travel allowances of the Governor, Lieutenant Governor, the heads of the executive departments, other officers and employees of the government of the Virgin Islands, and the members of the legislature shall be paid by the government of the Virgin Islands at rates prescribed by the laws of the Virgin Islands.

(July 22, 1954, ch. 558, § 20, formerly § 20(c), 68 Stat. 506; Pub. L. 85-851, § 6(a), Aug. 28, 1958, 72 Stat. 1095; Pub. L. 90-496, § 10, Aug. 23, 1968, 82 Stat. 841.)

CODIFICATION

Prior to the 1968 amendment of section 20 of act July 22, 1954, this section constituted subsec. (c) of said section 20. Subsecs. (a) and (b) of said section 20 were classified to sections 1592 and 1598, respectively, of this title. Section 10 of Pub. L. 90-496 consolidated the text of said section 20 into a single unlettered paragraph, classified to this section.

AMENDMENTS

1968—Pub. L. 90-496 substituted provisions that the salaries and travel allowances of all officials connected with the executive and legislative departments of the government of the Virgin Islands be paid by the government of the Virgin Islands at rates prescribed by the laws of the Virgin Islands for provisions that the salaries of the Governor, the Government Secretary, the government comptroller, and their immediate staffs be

paid by the United States, and provisions that the salaries of the heads of the executive departments be paid by the government of the Virgin Islands, such salaries to be paid without the necessity of further appropriations therefor, if the legislature fails to make an appropriation for such salaries.

1958—Pub. L. 85-851 provided for the payment of the salary of the government comptroller by the United States instead of by the government of the Virgin Islands.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90-496, effective Jan. 4, 1971, see section 16 of Pub. L. 90-496, set out as a note under section 1591 of this title.

EFFECTIVE DATE OF 1958 AMENDMENT

Section 6(b) of Pub. L. 85-851 provided that: “This section 6 [amending this section] shall become effective on July 1, 1959.”

ELIMINATION OF GENERAL FUND DEFICITS OF GUAM AND VIRGIN ISLANDS

Pub. L. 96-597, title VI, § 607, Dec. 24, 1980, 94 Stat. 3483, as amended by Pub. L. 97-357, title VI, § 601, Oct. 19, 1982, 96 Stat. 1712, provided that:

“(a) In order to assist the governments of Guam and the Virgin Islands in eliminating general fund deficits, there is authorized to be appropriated to the Secretary of the Interior for payment to Guam not to exceed \$15,000,000 for fiscal year 1982, and \$11,000,000 for fiscal year 1983, \$7,500,000 for fiscal year 1984, and \$4,000,000 for fiscal year 1985; and for payment to the Virgin Islands not to exceed \$12,000,000 for fiscal year 1982, \$9,000,000 for fiscal year 1983, \$6,000,000 for fiscal year 1984, and \$3,000,000 for fiscal year 1985.

“(b) The Governors of Guam and the Virgin Islands shall, as a condition for a grant pursuant to subsection (a) of this section, submit a plan which is designed to eliminate the respective territory’s general fund deficit by the beginning of fiscal year 1987 to the Secretary of the Interior. Within sixty days after he has received such a plan, the Secretary of the Interior shall transmit the plan, together with his comments and recommendations to the Congress. The plan shall provide for—

“(1) implementation of an effective budgetary and accounting system;

“(2) realistic revenue and expenditure projections which will progressively reduce current year general fund deficits and result in a balanced general fund budget no later than the beginning of fiscal year 1987;

“(3) financing of accumulated general fund deficits; and

“(4) quarterly goals and timetables for implementing the plan. The plan shall also indicate that the Governor has the necessary authority to implement the plan.

“(c) Not later than thirty days after the close of each quarter which occurs after the plan has been transmitted to the Congress, the respective Governor shall submit a report to the Secretary of the Interior and the Congress describing in detail the success or failure of such territory in meeting the goals and timetables described in such plan.”

AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR ANTICIPATED DEFICITS DURING FISCAL YEARS 1979 THROUGH 1981; TERMS AND CONDITIONS; REPORT ON FINANCIAL CONDITION; CONTENTS

Pub. L. 95-348, § 4(d), Aug. 18, 1978, 92 Stat. 491, authorized appropriations for fiscal years 1979 to 1981 for grants for anticipated deficits in such years, and required a report respecting financial conditions and activities, prior to repeal by Pub. L. 96-205, title IV, § 404, Mar. 12, 1980, 94 Stat. 89.

§ 1642. Use of certain proceeds for expenditure; income tax obligations of inhabitants

The proceeds of customs duties, the proceeds of the United States income tax, the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and the proceeds of all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands, (less the cost of collecting such duties, taxes and fees as may be directly attributable (as certified by the Comptroller of the Virgin Islands) to the importation of petroleum products until January 1, 1982: *Provided*, That any other retained costs not heretofore remitted pursuant to the Act of August 18, 1978, shall be immediately remitted to the Treasury of the Virgin Islands notwithstanding any other provision of law) shall be covered into the treasury of the Virgin Islands, and shall be available for expenditure as the Legislature of the Virgin Islands may provide: *Provided*, That the term "inhabitants of the Virgin Islands" as used in this section shall include all persons whose permanent residence is in the Virgin Islands, and such persons shall satisfy their income tax obligations under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands: *Provided further*, That nothing in this chapter shall be construed to apply to any tax specified in section 3811 of the Internal Revenue Code.

(July 22, 1954, ch. 558, §28(a), 68 Stat. 508; Pub. L. 95-348, §4(c)(3), Aug. 18, 1978, 92 Stat. 491; Pub. L. 96-205, title IV, §403(a), Mar. 12, 1980, 94 Stat. 89.)

REFERENCES IN TEXT

Act of August 18, 1978, referred to in text, probably means Pub. L. 95-348, Aug. 18, 1978, 92 Stat. 487, as amended, which enacted sections 1645 and 1841 of this title and section 410dd of Title 16, Conservation, amended sections 1421h, 1469a, 1575, and 1642 of this title and sections 398a and 398c to 398f of Title 16, and enacted provisions set out as a note under sections 1421, 1641, and 1681 of this title. For complete classification of this Act to the Code, see Tables.

This chapter, referred to in text, was in the original "this Act", meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of the Virgin Islands, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables.

Section 3811 of the Internal Revenue Code, referred to in text, means section 3811 of former Title 26, Internal Revenue Code, which was repealed by section 7851(a)(7) of the Internal Revenue Code of 1986. Similar provisions are contained in section 7651 of Title 26, Internal Revenue Code. For provision that any reference in any other law to a provision of the Internal Revenue Code of 1939 be deemed a reference to the corresponding provision of the Internal Revenue Code of 1986, see section 7852(b) of Title 26.

CODIFICATION

Section constitutes subsec. (a) of section 28 of act July 22, 1954. Subsec. (b) of section 28 amended section 3350 of former Title 26, Internal Revenue Code, 1939, and subsecs. (c) and (d) thereof are classified to sections 1643 and 1644, respectively, of this title.

AMENDMENTS

1980—Pub. L. 96-205 inserted provisions relating to deductions for the costs of collecting the duties, taxes,

and fees attributable to the importation of petroleum products until Jan. 1, 1982, provided that outstanding retained costs are immediately remitted to the Treasury of the Virgin Islands.

1978—Pub. L. 95-348 struck out "less the cost of collecting all of said duties, taxes, and fees," before "shall be covered".

§ 1642a. Availability of collected customs duties for expenditures as Legislature may provide

Notwithstanding any other provision of law, the proceeds of customs duties collected in the Virgin Islands less the cost of collecting all said duties shall, effective for fiscal years beginning after September 30, 1979, be covered into the Treasury of the Virgin Islands, and shall be available for expenditure as the Legislature¹ of the Virgin Islands may provide.

(Pub. L. 96-304, title I, §100, July 8, 1980, 94 Stat. 907.)

PRIOR PROVISIONS

A prior section 1642a, Pub. L. 96-38, title I, July 25, 1979, 93 Stat. 122, related to availability of collected customs duties for expenditures as the Virgin Islands Legislature may provide, prior to repeal by Pub. L. 96-205, title IV, §403(b), Mar. 12, 1980, 94 Stat. 89.

§ 1643. Import provisions with respect to trademarks

Section 1124 of title 15, and section 1526 of title 19, shall not apply to importations into the Virgin Islands of genuine foreign merchandise bearing a genuine foreign trade-mark, but shall remain applicable to importations of such merchandise from the Virgin Islands into the United States or its possessions; and the dealing in or possession of any such merchandise in the Virgin Islands shall not constitute a violation of any registrant's right under the Trade Mark Act [15 U.S.C. 1051 et seq.].

(July 22, 1954, ch. 558, §28(c), 68 Stat. 509.)

REFERENCES IN TEXT

The Trade Mark Act, referred to in text, probably means the Trademark Act of 1946, also popularly known as the Lanham Act, act July 5, 1946, ch. 540, 60 Stat. 427, as amended, which is classified generally to chapter 22 (§1051 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1051 of Title 15 and Tables.

CODIFICATION

Section constitutes subsec. (c) of section 28 of act July 22, 1954. Subsec. (b) of section 28 amended section 3350 of former Title 26, Internal Revenue Code, 1939, and subsecs. (a) and (d) thereof are classified to sections 1642 and 1644, respectively, of this title.

§ 1644. Import duties on articles entering United States or possessions from Virgin Islands

All articles coming into the United States from the Virgin Islands shall be subject to or exempt from duty as provided for in section 1301a¹ of title 19 and subject to internal-revenue taxes as provided for in section 7652(b) of title 26.

(July 22, 1954, ch. 558, §28(d), 68 Stat. 509; Sept. 1, 1954, ch. 1213, title IV, §402(a), 68 Stat. 1140; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

¹ So in original. Probably should be "Legislature".

¹ See References in Text note below.

REFERENCES IN TEXT

Section 1301a of title 19, referred to in text, was repealed by Pub. L. 87-456, title III, §301(a), May 24, 1962, 76 Stat. 75. See General Headnote 3(a) under section 1202 of Title 19, Customs Duties.

CODIFICATION

Section constitutes subsec. (d) of section 28 of act July 22, 1954. Subsecs. (a) and (c) of section 28 are classified to sections 1642 and 1643, respectively, of this title, and subsec. (b) thereof amended section 3350 of former Title 26, Internal Revenue Code, 1939.

AMENDMENTS

1986—Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

1954—Act Sept. 1, 1954, subjected the Virgin Islands to the general provision for importations from insular possessions contained in section 1301a of Title 19, Customs Duties.

EFFECTIVE DATE OF 1954 AMENDMENT

Amendment by act Sept. 1, 1954, effective on and after the thirtieth day following Sept. 1, 1954, see section 601 of act Sept. 1, 1954, set out as a note under section 1421e of this title.

§ 1645. Remittance of duties, taxes, and fees to be collected in next fiscal year; authorization, prerequisites, amount, etc.

Beginning as soon as the government of the Virgin Islands enacts legislation establishing a fiscal year commencing on October 1 and ending on September 30, the Secretary of the Treasury, prior to the commencement of any fiscal year, shall remit to the government of the Virgin Islands the amount of duties, taxes, and fees which the Governor of the Virgin Islands, with the concurrence of the government comptroller of the Virgin Islands, has estimated will be collected in or derived from the Virgin Islands under the Revised Organic Act of the Virgin Islands [48 U.S.C. 1541 et seq.] during the next fiscal year, except for those sums covered directly upon collection into the treasury of the Virgin Islands. There shall be deducted from or added to the amounts so remitted, as may be appropriate, at the beginning of the fiscal year, the difference between the amount of duties, taxes, and fees actually collected during the prior fiscal year and the amount of such duties, taxes, and fees as estimated and remitted at the beginning of that prior fiscal year, including any deductions which may be required as a result of the operation of sections 1574a to 1574d¹ of this title.

(Pub. L. 95-348, §4(c)(2), Aug. 18, 1978, 92 Stat. 490.)

REFERENCES IN TEXT

The Revised Organic Act of the Virgin Islands, referred to in text, is act July 22, 1954, ch. 558, 68 Stat. 497, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1541 of this title and Tables.

Section 1574d of this title, referred to in text, was repealed by Pub. L. 97-357, title III, §308(g), Oct. 19, 1982, 96 Stat. 1710.

¹ See References in Text note below.

CODIFICATION

Section was not enacted as part of the Revised Organic Act of the Virgin Islands which comprises this chapter.

CHAPTER 13—EASTERN SAMOA

- Sec.
1661. Islands of Tutuila, Manua, and eastern Samoa.
1662. Sovereignty of United States extended over Swains Island.
1662a. Amendment of constitution of American Samoa.
1663. Acknowledgment of deeds.
1664. Repealed.
1665. Omitted.
1666. Extension of scientific, technical, and other assistance; grant-in-aid program restriction; limitations on expenditures.
1667. Repealed.
1668. Reporting duties of Governor and transfer of functions from government comptroller for American Samoa to Inspector General, Department of the Interior.
1669. Administration and enforcement of collection of customs duties; employment and training of residents.
1670. Industrial development bonds.

§ 1661. Islands of Tutuila, Manua, and eastern Samoa

(a) Ceded to and accepted by United States

The cessions by certain chiefs of the islands of Tutuila and Manua and certain other islands of the Samoan group lying between the thirteenth and fifteenth degrees of latitude south of the Equator and between the one hundred and sixty-seventh and one hundred and seventy-first degrees of longitude west of Greenwich, herein referred to as the islands of eastern Samoa, are accepted, ratified, and confirmed, as of April 10, 1900, and July 16, 1904, respectively.

(b) Public land laws; revenue

The existing laws of the United States relative to public lands shall not apply to such lands in the said islands of eastern Samoa; but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the said islands of eastern Samoa for educational and other public purposes.

(c) Government

Until Congress shall provide for the government of such islands, all civil, judicial, and military powers shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

(Feb. 20, 1929, ch. 281, 45 Stat. 1253; May 22, 1929, ch. 6, 46 Stat. 4.)

REFERENCES IN TEXT

The existing laws of the United States relative to public lands, referred to in subsec. (b), are classified generally to Title 43, Public Lands.