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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; Pub. L. 111-194, § 2, June 30, 2010, 124 Stat. 1310, 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] (a) 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.

“(b) The constitution, in each case, shall be deemed to have been approved by the Congress within 60 legislative days 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, or has urged the constitutional convention to reconvene, by joint resolution.

“(c) REVISION OF PROPOSED CONSTITUTION.—

“(1) IN GENERAL.—If a convention reconvenes and revises the proposed constitution, the convention shall resubmit the revised proposed constitution simultaneously to the Governor of the Virgin Islands and the President.

“(2) COMMENTS OF PRESIDENT.—Not later than 60 calendar days after the date of receipt of the revised proposed constitution, the President shall—

“(A) notify the convention, the Governor, and Congress of the comments of the President on the revised proposed constitution; and

“(B) publish the comments in the Federal Register.

“(d) As so approved or modified under subsection (b) (or, if revised pursuant to subsection (c), on publication of the comments of the President in the Federal Register), 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].

“(e) 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 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

Act July 22, 1954, ch. 558, §34, 68 Stat. 510, provided that: "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

Pub. L. 90-496, §17, Aug. 23, 1968, 82 Stat. 842, 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

Act July 22, 1954, ch. 558, §1, 68 Stat. 497, 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

Act July 22, 1954, ch. 558, §36, 68 Stat. 510, provided that: "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 application thereof to other persons, or circumstances, and the remainder of the Act, shall not be affected thereby."

VIRGIN ISLANDS OF THE UNITED STATES CENTENNIAL COMMISSION

Pub. L. 114-224, Sept. 29, 2016, 130 Stat. 921, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Virgin Islands of the United States Centennial Commission Act'.

"SEC. 2. ESTABLISHMENT.

"There is established a commission to be known as the 'Virgin Islands of the United States Centennial Commission' (in this Act referred to as the 'Commission').

"SEC. 3. DUTIES OF COMMISSION.

"The Commission shall—

"(1) plan, develop, and carry out such activities as the Commission determines to be appropriate to commemorate the 100th anniversary of the Virgin Islands of the United States becoming an unincorporated territory of the United States;

"(2) provide advice and assistance to Federal, State, and local governmental agencies, as well as civic groups to carry out activities to commemorate the 100th anniversary of the Virgin Islands of the United States becoming an unincorporated territory of the United States; and

"(3) submit to the President and Congress the reports required pursuant to section 7.

"SEC. 4. MEMBERSHIP.

"(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 8 members as follows:

"(1) The Assistant Secretary of the Interior for Insular Affairs or a designee of the Assistant Secretary.

"(2) One member appointed by the Governor of the Virgin Islands of the United States or a designee of the Governor.

"(3) Two Members of the House of Representatives appointed by the Speaker of the House of Representatives.

"(4) One Member of the House of Representatives appointed by the minority leader of the House of Representatives.

"(5) Two Members of the Senate appointed by the majority leader of the Senate.

"(6) One Member of the Senate appointed by the minority leader of the Senate.

"(b) TERMS.—Each member of the Commission shall be appointed for the life of the Commission.

"(c) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 90 days after the date of the enactment of this Act [Sept. 29, 2016].

"(d) VACANCIES.—A vacancy on the Commission shall—

"(1) not affect the powers of the Commission; and

"(2) be filled in the manner in which the original appointment was made.

"(e) RATES OF PAY.—Members shall not receive compensation for the performance of duties on behalf of the Commission.

“(f) TRAVEL EXPENSES.—Each member of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from home or regular place of business of the member, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

“(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, but two or more members may hold hearings.

“(h) CHAIRPERSON.—The chairperson of the Commission shall be selected by a majority vote of the members of the Commission.

“SEC. 5. DIRECTOR AND STAFF OF COMMISSION.

“(a) DIRECTOR AND STAFF.—The Commission shall appoint an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

“(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the rate of pay for the executive director and other staff may not exceed the rate payable for level III of the Executive Schedule under section 5314 of such title.

“(c) DETAIL OF FEDERAL EMPLOYEES.—Upon request of the Commission, the Secretary of the Interior or the Archivist of the United States may detail, on a reimbursable basis, any of the personnel of the Department of the Interior or the National Archives and Records Administration, respectively[,] to the Commission to assist the Commission to perform the duties of the Commission.

“(d) EXPERTS AND CONSULTANTS.—The Commission may procure such temporary and intermittent services from experts and consultants as are necessary to enable the Commission to perform the duties of the Commission.

“(e) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

“SEC. 6. POWERS OF COMMISSION.

“(a) HEARINGS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

“(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

“(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any Federal agency information necessary to enable the Commission to perform the duties of the Commission. Upon request of the chairperson of the Commission, the head of that Federal agency shall furnish that information to the Commission.

“(d) GIFTS, BEQUESTS, DEVISES.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money, services, or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission.

“(e) AVAILABLE SPACE.—Upon the request of the Commission, the Administrator of General Services shall make available to the Commission, at a normal rental rate for Federal agencies, such assistance and facilities as may be necessary for the Commission to perform the duties of the Commission.

“(f) CONTRACT AUTHORITY.—The Commission may enter into contracts with and compensate the Federal Government, State and local governments, private entities, or individuals to enable the Commission to perform the duties of the Commission.

“SEC. 7. REPORTS.

“(a) ANNUAL REPORTS.—Not later than January 31 of each year, and annually thereafter until the final re-

port is submitted pursuant to subsection (b), the Commission shall submit to the President and the Congress a report on—

“(1) the activities of the Commission; and

“(2) the revenue and expenditures of the Commission, including a list of each gift, bequest, or devise to the Commission with a value of more than \$250, including the identity of the donor of each gift, bequest, or devise.

“(b) FINAL REPORT.—Not later than January 31, 2018, the Commission shall submit a final report to the President and the Congress containing—

“(1) a summary of the activities of the Commission; and

“(2) a final accounting of funds received and expended by the Commission.

“SEC. 8. ANNUAL AUDIT.

“The Inspector General of the Department of the Interior—

“(1) may perform an audit of the Commission;

“(2) shall make the results of any such audit available to the public; and

“(3) shall transmit such results to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

“SEC. 9. DEFINITIONS.

“In this Act:

“(1) FEDERAL AGENCY.—The term ‘Federal agency’ has the meaning given the term ‘agency’ in section 551 of title 5, United States Code.

“(2) STATE.—The term ‘State’ means each of the several States, the District of Columbia, each territory or possession of the United States, and each federally recognized Indian tribe.

“SEC. 10. TERMINATION.

“The Commission shall terminate on September 30, 2018, or may terminate at an earlier date determined by the Commission after the final report is submitted pursuant to section 7(b).

“SEC. 11. NO ADDITIONAL FUNDS AUTHORIZED.

“No Federal funds are authorized or may be obligated to carry out this Act.”

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 ap-

prove 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 relating 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.