

105TH CONGRESS  
2D SESSION

# H. R. 3642

To establish the District Court of the Virgin Islands as a court under  
article III of the United States Constitution.

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1998

Ms. CHRISTIAN-GREEN introduced the following bill; which was referred to the  
Committee on the Judiciary

---

## A BILL

To establish the District Court of the Virgin Islands as  
a court under article III of the United States Constitution.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Judicial District of  
5       the Virgin Islands Act of 1998”.

6       **SEC. 2. ESTABLISHMENT OF DISTRICT COURT OF THE VIR-**  
7       **GIN ISLANDS AS AN ARTICLE III COURT.**

8       (a) ESTABLISHMENT.—

---

1 (1) IN GENERAL.—Chapter 5 of title 28, United  
 2 States Code, is amended by inserting after section  
 3 126 the following new section:

4 **“§ 126A. Virgin Islands**

5 “The Virgin Islands constitutes one judicial district  
 6 comprising two divisions.

7 “(1) The Saint Croix Division comprises the Is-  
 8 land of Saint Croix and adjacent islands and  
 9 cays.

10 “Court for the Saint Croix Division shall be  
 11 held at Christiansted.

12 “(2) The Saint Thomas and Saint John Divi-  
 13 sion comprises the Islands of Saint Thomas and  
 14 Saint John and adjacent islands and cays.

15 “Court for the Saint Thomas and Saint John  
 16 Division shall be held at Charlotte-Amalie.”.

17 (2) CONFORMING AMENDMENT.—The table of  
 18 contents for chapter 5 of title 28, United States  
 19 Code, is amended by inserting after the item relating  
 20 to section 126 the following:

“126A. Virgin Islands.”.

21 (3) NUMBER OF JUDGES.—The table contained  
 22 in section 133(a) of title 28, United States Code, is  
 23 amended by inserting after the item relating to Ver-  
 24 mont the following:

“Virgin Islands ..... 2”.

1 (b) REVISED ORGANIC ACT OF THE VIRGIN IS-  
2 LANDS.—

3 (1) REPEALS.—Sections 25, 26, and 27 of the  
4 Revised Organic Act of the Virgin Islands (48  
5 U.S.C. 1615, 1616, and 1617) are repealed.

6 (2) BILL OF RIGHTS.—Section 3 of the Revised  
7 Organic Act of the Virgin Islands (48 U.S.C. 1561)  
8 is amended in the 23d undesignated paragraph—

9 (A) by inserting “article III;” after “sec-  
10 tion 9, clauses 2 and 3;”; and

11 (B) by striking “: *Provided, however*” and  
12 all that follows through the end of the para-  
13 graph and inserting the following: “; except  
14 that all offenses under the laws of the Virgin  
15 Islands which are prosecuted in the courts es-  
16 tablished by local law shall continue to be pros-  
17 ecuted by information, except those that are re-  
18 quired by local law to be prosecuted by indict-  
19 ment by grand jury.”.

20 (3) JURISDICTION OF LOCAL COURTS.—Section  
21 21 of the Revised Organic Act of the Virgin Islands  
22 (48 U.S.C. 1611) is amended to read as follows:

1 **“SEC. 21. JURISDICTION OF COURTS OF THE VIRGIN IS-**  
2 **LANDS.**

3 “(a) JURISDICTION OF THE COURTS OF THE VIRGIN  
4 ISLANDS.—The judicial power of the Virgin Islands shall  
5 be vested in such trial or appellate courts as may have  
6 been or may hereafter be established by local law. The  
7 local courts of the Virgin Islands shall have jurisdiction  
8 over all causes of action in the Virgin Islands over which  
9 any court established by the Constitution and laws of the  
10 United States does not have exclusive jurisdiction.

11 “(b) PRACTICE AND PROCEDURE.—The rules govern-  
12 ing the practice and procedure of the courts established  
13 by local law and those prescribing the qualifications and  
14 duties of the judges and officers thereof, oaths and bonds,  
15 and the times and places of holding court shall be gov-  
16 erned by local law or the rules promulgated by those  
17 courts.”.

18 (4) JURISDICTION OVER CRIMINAL MATTERS  
19 AND INCOME TAX.—Section 22 of the Revised Or-  
20 ganic Act of the Virgin Islands (48 U.S.C. 1612) is  
21 amended to read as follows:

22 **“SEC 22. JURISDICTION OVER CRIMINAL MATTERS AND IN-**  
23 **COME TAX.**

24 “(a) JURISDICTION OVER CRIMINAL MATTERS.—  
25 Nothing in this title shall be construed to remove or impair

1 the jurisdiction of the courts of the Virgin Islands under  
2 the laws thereof.

3 “(b) JURISDICTION OVER INCOME TAX MATTERS.—

4 The United States District Court for the District of the  
5 Virgin Islands shall have exclusive jurisdiction over all  
6 criminal and civil proceedings in the Virgin Islands with  
7 respect to the income tax laws applicable to the Virgin  
8 Islands, regardless of the degree of the offense or of the  
9 amount involved, except the ancillary laws relating to the  
10 income tax enacted by the legislature of the Virgin Islands.  
11 Any act or failure to act with respect to the income tax  
12 laws applicable to the Virgin Islands which would con-  
13 stitute a criminal offense described in chapter 75 of sub-  
14 title F of the Internal Revenue Code of 1986 shall con-  
15 stitute an offense against the government of the Virgin  
16 Islands and may be prosecuted in the name of the govern-  
17 ment of the Virgin Islands by appropriate officers thereof  
18 in the United States District Court for the District of the  
19 Virgin Islands without the request or consent of the  
20 United States attorney for the Virgin Islands.”.

21 (5) RELATIONS BETWEEN UNITED STATES  
22 COURTS AND LOCAL COURTS.—Section 23 of the Re-  
23 vised Organic Act of the Virgin Islands (48 U.S.C.  
24 1613) is amended to read as follows:

1   **“SEC. 23. RELATIONS BETWEEN COURTS OF THE UNITED**  
2                           **STATES AND LOCAL COURTS.**

3           “(a) IN GENERAL.—The relations between the courts  
4 established by the Constitution or laws of the United  
5 States (including the United States District Court for the  
6 District of the Virgin Islands) and the courts established  
7 by local law with respect to appeals, certiorari, removal  
8 of causes, the issuance of writs of habeas corpus, and  
9 other matters or proceedings shall be governed by the laws  
10 of the United States pertaining to the relations between  
11 the courts of the United States, including the Supreme  
12 Court of the United States, and the courts of the several  
13 States in such matters and proceedings, except that for  
14 the first 15 years following the establishment of the appel-  
15 late court authorized by section 21(a) of this Act, the  
16 United States Court of Appeals for the Third Circuit shall  
17 have jurisdiction to review by writ of certiorari all final  
18 decisions of the highest court of the Virgin Islands from  
19 which a decision could be had.

20           “(b) REPORTS TO CONGRESS.—The Judicial Council  
21 of the Third Circuit shall submit reports to the Committee  
22 on Energy and Natural Resources of the Senate and the  
23 Committee on Resources of the House of Representatives  
24 at intervals of 5 years following the establishment of the  
25 such appellate court authorized by section 21(a) of this  
26 Act as to whether that court has developed sufficient insti-

1 tutional traditions to justify direct review by the Supreme  
 2 Court of the United States from all final decisions of the  
 3 highest court of the Virgin Islands.

4 “(c) RULES.—The United States Court of Appeals  
 5 for the Third Circuit shall have jurisdiction to promulgate  
 6 rules necessary to carry out the provisions of this sec-  
 7 tion.”.

8 (6) APPELLATE JURISDICTION OF DISTRICT  
 9 COURT.—Section 23A of the Revised Organic Act of  
 10 the Virgin Islands (48 U.S.C. 1613a) is amended by  
 11 striking “District Court of the Virgin Islands” each  
 12 place it appears and inserting “United States Dis-  
 13 trict Court for the District of the Virgin Islands”.

14 (7) ASSIGNMENT OF ADDITIONAL JUDGES TO  
 15 THE COURT.—Section 24 of the Revised Organic Act  
 16 of the Virgin Islands (48 U.S.C. 1613) is amended  
 17 to read as follows:

18 **“SEC. 24. ASSIGNMENT OF ADDITIONAL JUDGES TO THE**  
 19 **COURT.**

20 “Whenever it appears to be necessary for the proper  
 21 dispatch of the business of the United States District  
 22 Court for the District of the Virgin Islands—

23 “(1) the chief judge of the Third Judicial Cir-  
 24 cuit of the United States may assign—

1           “(A) a judge of a court of record of the  
2           Virgin Islands established by local law,

3           “(B) a circuit or district judge of the  
4           Third Judicial Circuit, or

5           “(C) a recalled senior judge of the District  
6           Court of the Virgin Islands, or

7           “(2) the Chief Justice of the United States may  
8           assign any other United States circuit or district  
9           judge, with the consent of that judge and the chief  
10          judge of the circuit from which the judge is as-  
11          signed,

12       to serve temporarily as a judge of the United States Dis-  
13       trict Court for the District of the Virgin Islands. After  
14       the establishment of the appellate court authorized by sec-  
15       tion 21(a) of this Act, no judge described in paragraph  
16       (1)(A) may be assigned to the district court under this  
17       section.”.

18       (c) PLEADINGS AND PROCEEDINGS IN ENGLISH.—  
19       All pleadings and proceedings in the United States Dis-  
20       trict Court for the District of the Virgin Islands shall be  
21       conducted in the English language.

22       (d) SAVINGS PROVISIONS.—

23           (1) PENDING CASES.—With respect to any com-  
24       plaint or proceeding pending in the District Court of  
25       the Virgin Islands on the day before the effective



1 date of this Act, such complaint or proceeding may,  
2 on and after such effective date, be pursued to final  
3 determination in the United States District Court  
4 for the District of the Virgin Islands, the United  
5 States Court of Appeals for the Third Circuit, and  
6 the United States Supreme Court.

7 (2) EXISTING OFFICERS OF THE COURT.—Any  
8 individual who, on the effective date of this Act, is  
9 serving as the United States Attorney for the Virgin  
10 Islands, or the United States marshal for the Virgin  
11 Islands, may continue in such office until a succes-  
12 sor is appointed pursuant to the provisions of title  
13 28, United States Code.

14 **SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.**

15 (a) RETIREMENT AND SURVIVORS' ANNUITIES.—

16 (1) RETIREMENT.—Section 373 of title 28,  
17 United States Code, is amended in subsections (a)  
18 and (e) by striking “, the District court of the  
19 Northern Mariana Islands, or the District Court of  
20 the Virgin Islands” and inserting “or the District  
21 Court of the Northern Mariana Islands”.

22 (2) SURVIVORS' ANNUITIES.—Section 376(a) of  
23 title 28, United States Code, is amended in para-  
24 graphs (1)(B) and (2)(B) by inserting “(as in effect  
25 before the effective date of the Judicial District of

1 the Virgin Islands Act of 1998)” after “the District  
2 Court of the Virgin Islands”.

3 (3) CALCULATION OF SERVICE AS A JUDGE.—

4 In the case of a judge of a district court retiring  
5 under section 371 of title 28, United States Code,  
6 service by the judge as a judge of the District Court  
7 of the Virgin Islands before the effective date of this  
8 Act shall be included in calculating service under  
9 section 371(c) of such title.

10 (4) RIGHTS OF EXISTING RETIREES NOT AF-  
11 FECTED.—Nothing in this Act shall be construed to  
12 affect the rights of any judge who has retired as a  
13 judge of the District Court of the Virgin Islands be-  
14 fore the effective date of this Act.

15 (b) COURTS DEFINED.—Section 610 of title 28,  
16 United States Code, is amended by striking “the District  
17 Court of the Virgin Islands”.

18 (c) MAGISTRATE JUDGES.—Section 631(a) of title  
19 28, United States Code, is amended by striking “and the  
20 district court of the Virgin Islands”.

21 (d) INVESTIGATIONS BY ATTORNEY GENERAL.—Sec-  
22 tion 526(a)(2) of title 28, United States Code, is amended  
23 by striking “and of the district court of the Virgin Is-  
24 lands”.

1 (e) COURTS OF APPEALS.—Section 1291 of title 28,  
2 United States Code, is amended by striking “, the United  
3 States District Court for the District of the Canal Zone.”  
4 and all that follows through “Virgin Islands” and insert-  
5 ing “and the District Court of Guam.”.

6 (f) COURT OF APPEALS FOR THE FEDERAL CIR-  
7 CUIT.—Section 1295(a) of title 28, United States Code,  
8 is amended in paragraphs (1) and (2) by striking “the  
9 United States District Court for the District of the Canal  
10 Zone” and all that follows through “Virgin Islands.” and  
11 inserting “the District Court of Guam.”.

12 (g) FEDERAL TORT CLAIMS.—Section 1346(b) of  
13 title 28, United States Code, is amended by striking “,  
14 together with” and all that follows through “Virgin Is-  
15 lands,”.

16 (h) COURT REPORTERS.—Section 753(a) of title 28,  
17 United States Code, is amended in the first paragraph by  
18 striking “, the United States District Court for the Dis-  
19 trict of the Canal Zone” and all that follows through “Vir-  
20 gin Islands” and inserting “and the District Court of  
21 Guam”.

22 (i) REPRESENTATION OF CERTAIN DEFENDANTS.—  
23 Section 3006A(j) of title 18, United States Code, is  
24 amended by striking “the District Court of the Virgin Is-  
25 lands,”.

1 **SEC. 4. ADDITIONAL REFERENCES.**

2 Any reference in any provision of law to the “District  
3 Court of the Virgin Islands” shall, after the effective date  
4 of this Act, be deemed to be a reference to the United  
5 States District Court for the District of the Virgin Is-  
6 lands.

7 **SEC. 5. EFFECTIVE DATE.**

8 This Act and the amendments made by this Act shall  
9 take effect at the end of the 90-day period beginning on  
10 the date of the enactment of this Act.

