

(d) Presidential determination of applicable laws

The legislature of the Virgin Islands shall have power to enact navigation, boat inspection, and safety laws of local application; but the President shall have power to make applicable to the Virgin Islands such of the navigation, vessel inspection, and coastwise laws of the United States as he may find and declare to be necessary in the public interest, and, to the extent that the laws so made applicable conflict with any laws of local application enacted by the legislature, such laws enacted by the legislature shall have no force and effect.

(e) Existing powers of United States officers unaffected

Nothing in this subchapter shall be construed to affect or impair in any manner the terms and conditions of any authorizations, permits, or other powers heretofore lawfully granted or exercised in or in respect of the Virgin Islands by any authorized officer or agent of the United States.

(June 22, 1936, ch. 699, §4, 49 Stat. 1808; Aug. 7, 1939, ch. 515, 53 Stat. 1242; Oct. 31, 1951, ch. 654, §1(127), 65 Stat. 706; Pub. L. 97-357, title III, §306, Oct. 19, 1982, 96 Stat. 1709.)

Editorial Notes

AMENDMENTS

1982—Subsec. (d). Pub. L. 97-357 substituted “legislature” for “Legislative Assembly” wherever appearing.

1951—Subsec. (f). Act Oct. 31, 1951, repealed subsec. (f) which authorized the Secretary of the Interior to lease or sell any property under his administrative supervision in the Virgin Islands not needed for public purposes.

1939—Act Aug. 7, 1939, designated existing provisions as subsecs. (a), (b), (e), and (f) and added subsecs. (c) and (d).

Statutory Notes and Related Subsidiaries

CONSTRUCTION OF VIRGIN ISLANDS PROJECTS BY SECRETARY OF THE ARMY

Pub. L. 101-640, title IV, §406, Nov. 28, 1990, 104 Stat. 6447, provided that:

“(a) **GENERAL RULE.**—Upon request of the Governor of the Virgin Islands with respect to a construction project in the Virgin Islands for which Federal financial assistance is available under any law of the United States, the Federal official administering such assistance may make such assistance available to the Secretary instead of the Virgin Islands. The Secretary shall use such assistance to carry out such project in accordance with the provisions of such law.

“(b) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed as relieving the Virgin Islands from complying with any requirements for non-Federal cooperation with respect to a construction project carried out with Federal financial assistance provided to the Secretary pursuant to this section; except that the Secretary shall be responsible for complying with administrative and fiscal requirements associated with utilization of such assistance.

“(c) **TERMINATION DATE.**—Subsection (a) shall not be effective after the last day of the 3-year period beginning on the date of the enactment of this Act [Nov. 28, 1990]; except that the Secretary shall complete construction of any project commenced under subsection (a) before such day.”

Executive Documents

EX. ORD. NO. 9170. CERTAIN NAVIGATION LAWS MADE APPLICABLE TO VIRGIN ISLANDS

Ex. Ord. No. 9170, eff. May 21, 1942, 7 F.R. 384, provided in part:

It is ordered that all of the navigation and vessel inspection laws of the United States be, and they are hereby, made applicable to the Virgin Islands of the United States, with the following exceptions:

(1) The coastwise laws of the United States.

(2) The act of Congress approved June 7, 1897 (30 Stat. 96), as amended by the acts of February 19, 1900 (31 Stat. 30), May 25, 1914 (38 Stat. 381), March 1, 1933 (47 Stat. 1417), Aug. 21, 1935 (49 Stat. 668, 669), May 20, 1936 (49 Stat. 1367), and April 22, 1940 (54 Stat. 150).

(3) So much of the vessel inspection laws of the United States as requires the inspection as a passenger vessel of any cargo vessel, foreign or domestic, when carrying more than twelve passengers or persons in addition to the crew.

(4) Federal laws levying tonnage duties, light money, or entrance and clearance fees.

§§ 1405d to 1405g. Repealed. Pub. L. 97-357, title III, §307, Oct. 19, 1982, 96 Stat. 1709

Section 1405d, act June 22, 1936, ch. 699, §5, 49 Stat. 1808, related to composition, election, and legislative powers of Municipal Council of Saint Croix.

Section 1405e, act June 22, 1936, ch. 699, §6, 49 Stat. 1808, related to composition, election, and legislative powers of Municipal Council of Saint Thomas and Saint John.

Section 1405f, act June 22, 1936, ch. 699, §7, 49 Stat. 1808, related to composition, meetings, and powers of two municipal councils to be known as the Legislative Assembly of the Virgin Islands.

Section 1405g, act June 22, 1936, ch. 699, §8, 49 Stat. 1809, related to time of holding elections.

§§ 1405h, 1405i. Repealed. Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 649

Section 1405h, act June 22, 1936, ch. 699, §9, 49 Stat. 1809, related to eligibility for membership in municipal councils.

Section 1405i, act June 22, 1936, ch. 699, §10, 49 Stat. 1809, related to compensation and travel expenses of municipal council members.

§§ 1405j to 1405p. Repealed. Pub. L. 97-357, title III, §307, Oct. 19, 1982, 96 Stat. 1709

Section 1405j, act June 22, 1936, ch. 699, §11, 49 Stat. 1809, related to powers of municipal councils, exemption of members from liability for debate in council, and privilege from arrest.

Section 1405k, act June 22, 1936, ch. 699, §12, 49 Stat. 1809, related to appointment by each municipal council of members to serve on Municipal Committee and powers of Municipal Committee.

Section 1405l, act June 22, 1936, ch. 699, §13, 49 Stat. 1810, related to time and place of meetings of each municipal council.

Section 1405m, act June 22, 1936, ch. 699, §14, 49 Stat. 1810, related to introduction of bills in municipal councils by Governor, submission to councils of a budget of estimated receipts and expenditures, and submission of reports.

Section 1405n, act June 22, 1936, ch. 699, §15, 49 Stat. 1810, related to quorum of councils, vote on adoption of bills, and a journal of proceedings.

Section 1405o, act June 22, 1936, ch. 699, §16, 49 Stat. 1810, related to acts of councils and assembly, approval or veto thereof by Governor, submission of repassed vetoed bills to the President, annulment of acts by Congress, and authorization of appropriations.

Section 1405p, act June 22, 1936, ch. 699, §17, 49 Stat. 1811, related to vesting of voting franchise in residents

of the Virgin Islands who are citizens of the United States and prescription by legislative assembly of additional qualifications.

§ 1405q. Laws continued in force until modified; patent, trade mark, and copyright laws extended to Virgin Islands; jurisdiction of district court

The laws of the United States applicable to the Virgin Islands on June 22, 1936, and all local laws and ordinances in force on such date in the Virgin Islands, not inconsistent with this subchapter, shall continue in force and effect: *Provided*, That the Municipal Council of Saint Croix and the Municipal Council of Saint Thomas and Saint John, and the legislative assembly, shall have power when not inconsistent with this subchapter and within their respective jurisdictions, to amend, alter, modify, or repeal any law of the United States of local application only, or any ordinance, public or private, civil or criminal, continued in force and effect by this subchapter, except as herein otherwise provided, and to enact new laws and ordinances not inconsistent with this subchapter and not inconsistent with the laws of the United States hereafter made applicable to the Virgin Islands or any part thereof, subject to the power of the Congress to annul the same. The laws of the United States relating to patents, trade marks, and copyrights, and to the enforcement of rights arising thereunder, shall have the same force and effect in the Virgin Islands as in the continental United States, and the District Court of the Virgin Islands shall have the same jurisdiction in causes arising under such laws as is exercised by United States district courts.

(June 22, 1936, ch. 699, § 18, 49 Stat. 1811.)

Editorial Notes

REFERENCES IN TEXT

The laws of the United States relating to patents, trade marks, and copyrights, referred to in text, are classified generally to Title 35, Patents, chapter 22 (§1051 et seq.) of Title 15, Commerce and Trade, and Title 17, Copyrights.

§ 1405r. Repealed. Pub. L. 97-357, title III, § 307, Oct. 19, 1982, 96 Stat. 1709

Section, act June 22, 1936, ch. 699, § 19, 49 Stat. 1811, related to scope of legislative power of Virgin Islands and prohibition of tax discrimination against property of nonresidents.

§§ 1405s to 1405t. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 649, 651, 655

Section 1405s, acts June 22, 1936, ch. 699, § 20, 49 Stat. 1812; Dec. 26, 1941, ch. 637, 55 Stat. 872, related to executive branch of Government, and to appointment, powers and duties of Governor.

Section 1405s-1, act Oct. 15, 1949, ch. 695, § 5(a), 63 Stat. 880, prescribed compensation of Governor.

This section was not enacted as part of the Organic Act of the Virgin Islands of the United States which comprises this subchapter.

Section 1405t, act June 22, 1936, ch. 699, § 21, 49 Stat. 1812, related to appointment, powers and duties of Government Secretary.

§§ 1405u to 1405w. Repealed. Pub. L. 97-357, title III, § 307, Oct. 19, 1982, 96 Stat. 1709

Section 1405u, act June 22, 1936, ch. 699, § 22, 49 Stat. 1812, related to appointment of an Administrator for Saint Croix to act for Governor.

Section 1405v, act June 22, 1936, ch. 699, § 23, 49 Stat. 1813, related to appointment of such other executive and administrative officers as may be required in discretion of Secretary of the Interior.

Section 1405w, act June 22, 1936, ch. 699, § 24, 49 Stat. 1813, related to appointment of all salaried officers and employees of municipal governments by Governor with advice and consent of municipal council having jurisdiction.

§ 1405w-1. Omitted

Editorial Notes

CODIFICATION

Section, act July 3, 1945, ch. 262, § 1, 59 Stat. 359, which related to appointment of an executive assistant to Governor and legal counsel, was superseded by section 1591 of this title. Section was not enacted as part of the Organic Act of the Virgin Islands of the United States which comprises this subchapter.

§ 1405x. Repealed. Pub. L. 97-357, title III, § 307, Oct. 19, 1982, 96 Stat. 1709

Section, act June 22, 1936, ch. 699, § 25, 49 Stat. 1813, related to vesting of judicial power in District Court of Virgin Islands, organization and conduct of a Superior Court, and appeals from Superior Court.

§ 1405y. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 649, 650, 654, 657

Section, acts June 22, 1936, ch. 699, § 26, 49 Stat. 1813; Aug. 5, 1939, ch. 430, 53 Stat. 1203; June 25, 1948, ch. 646, § 28, 62 Stat. 991; Feb. 10, 1954, ch. 6, § 3(a), 68 Stat. 12, related to appointment of a judge of district court, a special judge, district attorney, and court officers.

§§ 1405z to 1406e. Repealed. Pub. L. 97-357, title III, § 307, Oct. 19, 1982, 96 Stat. 1709

Section 1405z, act June 22, 1936, ch. 699, § 27, 49 Stat. 1813, related to two divisions of District Court of Virgin Islands, terms of court, rules of practice, and process.

Section 1406, act June 22, 1936, ch. 699, § 28, 49 Stat. 1814, related to jurisdiction of district court generally.

Section 1406a, act June 22, 1936, ch. 699, § 29, 49 Stat. 1814, related to jurisdiction of district court over crimes committed on the high seas.

Section 1406b, act June 22, 1936, ch. 699, § 30, 49 Stat. 1814, related to appeals from District Court of Virgin Islands.

Section 1406c, act June 22, 1936, ch. 699, § 31, 49 Stat. 1814, related to jury trials in criminal cases.

Section 1406d, act June 22, 1936, ch. 699, § 32, 49 Stat. 1814, related to jurisdiction of inferior courts.

Section 1406e, act June 22, 1936, ch. 699, § 33, 49 Stat. 1815, related to appeals from inferior courts to district court.

§ 1406f. Judicial process; title of criminal prosecutions

All judicial process shall run in the name of "United States of America, scilicet, the President of the United States", and all penal or criminal prosecutions in the local courts shall be conducted in the name of and by authority of "the People of the Virgin Islands of the United States."

(June 22, 1936, ch. 699, § 37, 49 Stat. 1817.)