

ch. 91, § 2, 47 Stat. 817, related to the marshal. See sections 45 and 46 of Title 3 of the Canal Zone Code.

Section 1353, acts Aug. 24, 1912, ch. 390, § 8, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 2, 42 Stat. 1005; Dec. 29, 1926, ch. 19, § 2, 44 Stat. 924; Feb. 16, 1938, ch. 91, § 2, 47 Stat. 817; Mar. 26, 1938, ch. 51, § 1, 52 Stat. 118; July 1, 1944, ch. 366, 59 Stat. 676; June 25, 1948, ch. 646, § 31, 67 Stat. 991, related to appointment of district judge, district attorney, and marshal. See sections 5, 41 and 45 of Title 3 of the Canal Zone Code.

Sections 1354 and 1355, acts Aug. 24, 1912, ch. 390, § 9, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 3, 42 Stat. 1006, related to transfer of causes to new courts, and continuance of laws defining clerks' duties.

§ 1356. Repealed. June 25, 1948, ch. 646, § 35, 62 Stat. 991, eff. Sept. 1, 1948.

Section, acts Aug. 24, 1912, ch. 390, § 9, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 3, 42 Stat. 1006; Feb. 16, 1938, ch. 91, § 3, 47 Stat. 817, which related to appeals from district courts, is covered by sections 1291, 1292, and 1294 of Title 28, Judiciary and Judicial Procedure.

§§ 1357, 1358. Omitted.

Section 1357, acts Aug. 24, 1912, ch. 390, § 9, 37 Stat. 565; Sept. 21, 1922, ch. 370, § 3, 42 Stat. 1006, related to blending of law and equity jurisdiction.

Section 1358, act June 28, 1906, ch. 3535, 34 Stat. 552, related to acknowledgment of deeds. See section 744 of Title 4 of the Canal Zone Code.

§ 1361. Repealed. Sept. 26, 1950, ch. 1049, § 13 (7), 64 Stat. 1043.

Section, act June 29, 1948, ch. 706, § 1, 62 Stat. 1075, related to the purpose of organization of the former Panama Railroad Company.

§§ 1361a to 1361f. Omitted.

Sections, acts June 29, 1948, ch. 706, § 2, 62 Stat. 1076; Sept. 26, 1950, ch. 1049, § 5, 64 Stat. 1041, related to the Panama Canal Company. See sections 61—71, 75 and 121 of Title 2 of the Canal Zone Code.

§§ 1371 to 1371b. Repealed. July 21, 1949, ch. 356, § 1 (b), 63 Stat. 475, eff. Apr. 1, 1948.

Sections 1371—1371b, related to retirement of employees of Panama Canal and Panama Railroad Company.

Section 1371 from act Mar. 2, 1931, ch. 375, § 1, 46 Stat. 1471.

Section 1371a from acts Mar. 2, 1931, ch. 375, § 2, 46 Stat. 1471; June 19, 1934, ch. 667, § 1, 48 Stat. 1123; July 29, 1942, ch. 536, § 1, 56 Stat. 726.

Section 1371b from acts Mar. 2, 1931, ch. 375, § 3, 46 Stat. 1472; July 2, 1945, ch. 220, 59 Stat. 212.

§ 1371b-1. Involuntary separation.

CODIFICATION

Section, act June 16, 1933, ch. 101, § 8 (b), 48 Stat. 306, related to involuntary separation, and has been omitted from the Code due to the repeal of sections 1731—1731b and 1731c—1731p of this title.

§§ 1371c to 1371p. Repealed. July 21, 1949, ch. 356, § 1 (h), 63 Stat. 475, eff. Apr. 1, 1948.

Sections 1371c—1371p, related to retirement of employees of Panama Canal and Panama Railroad Company.

Section 1371c from acts Mar. 2, 1931, ch. 375, § 4, 46 Stat. 1472; Apr. 7, 1934, Ex. Ord. No. 6670; June 24, 1936, ch. 754, § 2, 49 Stat. 1904; Apr. 12, 1939, ch. 58, 53 Stat. 574; Dec. 16, 1941, ch. 584, § 2, 55 Stat. 806.

Section 1371d from act July 29, 1942, ch. 536, § 2, 56 Stat. 727.

Section 1371e from acts Mar. 2, 1931, ch. 375, § 6, 46 Stat. 1474; Aug. 10, 1939, ch. 660, 53 Stat. 1347; Dec. 16, 1941, ch. 584, § 1, 55 Stat. 805; July 29, 1942, ch. 536, § 8, 56 Stat. 727.

Section 1371f from acts Mar. 2, 1931, ch. 375, § 7, 46 Stat. 1476; Oct. 14, 1940, ch. 859, § 2, 54 Stat. 1117.

Section 1371g from acts Mar. 2, 1931, ch. 375, § 8, 46 Stat. 1476; Apr. 7, 1934, Ex. Ord. No. 6670.

Section 1371h from acts Mar. 2, 1931, ch. 375, § 9, 46 Stat. 1477; Apr. 7, 1934, Ex. Ord. No. 6670; Dec. 16, 1941, ch. 584, § 2, 55 Stat. 806.

Section 1371i from act Mar. 2, 1931, ch. 375, § 10, 46 Stat. 1477.

Section 1371j from acts Mar. 2, 1931, ch. 375, § 11, 46 Stat. 1477; Apr. 7, 1934, Ex. Ord. No. 6670; June 24, 1936, ch. 754, §§ 4—6, 49 Stat. 1905; Dec. 16, 1941, ch. 584, § 4, 55 Stat. 806; July 29, 1942, ch. 536, § 4, 56 Stat. 728.

Section 1371k from acts Mar. 2, 1931, ch. 375, § 12, 46 Stat. 1478; Apr. 7, 1934, Ex. Ord. No. 6670; July 29, 1942, ch. 536, § 5, 56 Stat. 728.

Section 1371l from acts Mar. 2, 1931, ch. 375, § 13, 46 Stat. 1479; Aug. 10, 1937, ch. 573, 50 Stat. 619.

Section 1371m from acts Mar. 2, 1931, ch. 375, § 14, 46 Stat. 1479; Apr. 7, 1934, Ex. Ord. No. 6670.

Section 1371n and 1371o from act Mar. 2, 1931, ch. 375, §§ 15, 16, 46 Stat. 1479, 1480.

Section 1371p from acts Mar. 2, 1931, ch. 375, § 17, 46 Stat. 1480; Apr. 7, 1934, Ex. Ord. No. 6670; Aug. 4, 1947, ch. 470, § 1, 61 Stat. 743.

§§ 1372 to 1374d. Omitted.

Section 1372, acts July 8, 1937, ch. 443, § 1, 50 Stat. 473; Sept. 26, 1950, ch. 1049, § 2 (a), (b), 64 Stat. 1038, related to relief of employee not entitled to retirement benefits. See section 181 of Title 2 of the Canal Zone Code.

Sections 1373—1373g, acts May 29, 1944, ch. 214, 53 Stat. 257; Aug. 7, 1946, ch. 774, 60 Stat. 873; Sept. 26, 1950, ch. 1049, § 2 (a), (1), 64 Stat. 1038, related to recognition and benefits of employees engaged in construction of Panama Canal.

Sections 1374—1374d, acts July 24, 1947, ch. 308, § 1, 61 Stat. 415; Sept. 26, 1950, ch. 1049, § 2 (a), (2), 64 Stat. 1038, related to retirement of Panama Canal Company employees not employed on the Isthmus of Panama.

§§ 1381 to 1387. Transferred or Omitted.

CODIFICATION

Sections 1381 and 1382, relating to setting aside of Barro Colorado Island for scientific observation and investigation, were transferred to sections 79 and 79a, respectively, of Title 20, Education.

Section 1383, act July 2, 1940, ch. 516, § 3, 54 Stat. 724, providing for the appointment and compensation of the Board of Directors of the Canal Zone Biological Area, was superseded by 1946 Reorg. Plan No. 3, § 801, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1101, set out in the Appendix to Title 5, Government Organization and Employees, which abolished the Board of Directors and the office of its executive officer and transferred their functions to the Smithsonian Institution.

Sections 1384—1387, relating to functions of Smithsonian Institution, powers, duties, and compensation of resident manager, deposits and disbursements, and appropriations, were transferred to sections 79b—79e, respectively, of Title 20, Education.

Chapter 7.—THE VIRGIN ISLANDS

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ADDITIONAL PROVISIONS

For additional provisions, constituting a revision of the Organic Act of the Virgin Islands of the United States, see chapter 12 of this title.

CODIFICATION

A new organic act, or basic charter of civil government, for the people of the Virgin Islands of the United States, was passed in 1954. Act July 22, 1954, ch. 558, 68 Stat. 497, known as the Revised Organic Act of the Virgin Islands, is set out as chapter 12 of this title. Section 8(c) of the Revised Organic Act, set out as section 1574(c) of this title, provides that laws of the United States, set out generally in this chapter, as well as local laws and ordinances, including provisions of the Organic Act of the Virgin Islands of the United States, act June 22, 1936, ch. 699, 49 Stat. 1807, section 1405 et seq. of this title, in force on July 22, 1954, and not inconsistent with the 1954 act, are to remain in force and effect until otherwise changed.

§ 1391. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 643.

Section, act Mar. 3, 1917, ch. 171, § 1, 39 Stat. 1132, provided for the appointment and pay of the Governor of the Virgin Islands and other employees.

§ 1392. Local laws continued; courts.

Until Congress shall otherwise provide, insofar as compatible with the changed sovereignty and not in conflict with the provisions of this section and sections 1391 and 1394 to 1396 of this title, the laws regulating elections and the electoral franchise as set forth in the code of laws published at Amalienborg the 6th day of April, 1906, and the other local laws, in force and effect in said islands on the 17th day of January, 1917, shall remain in force and effect in said islands, and the same shall be administered by the civil officials and through the local judicial tribunals established in said islands, respectively; and the orders, judgments, and decrees of said judicial tribunals shall be duly enforced. With the approval of the President, or under such rules and regulations as the President may prescribe, any of said laws may be repealed, altered, or amended by the colonial council having jurisdiction. The jurisdiction of the judicial tribunals of said islands shall extend to all judicial proceedings and controversies in said islands to which the United States or any citizen thereof may be a party. (Mar. 3, 1917, ch. 171, § 2, 39 Stat. 1132; June 25, 1948, ch. 646, § 39, 62 Stat. 992.)

CODIFICATION

Section 1391 of this title, referred to in text, was repealed by Pub. L. 89-554, as part of the general revision of Title 5, Government Organization and Employees.

AMENDMENTS

1948—Act June 25, 1948, repealed last sentence relating to appeals as this provision is now covered by section 1294 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment of this section shall be effective Sept. 1, 1948.

§ 1392a. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 650, 654.

Section, acts May 24, 1940, ch. 209, § 3, 54 Stat. 220, July 31, 1946, ch. 704, § 1, 60 Stat. 716; June 25, 1948, ch. 646, § 30, 62 Stat. 991, related to the salary of the judge of the District Court.

§ 1392b. Jurisdiction of district court of violations of provisions for protection of navigable waters.

Violations of the provisions of section 1399 of this title may be prosecuted in the District Court of the

Virgin Islands of the United States, and jurisdiction is vested in said court to try and determine such causes. (July 1, 1932, ch. 370, § 2, 47 Stat. 565.)

CROSS REFERENCES

Jurisdiction of District Court of the Virgin Islands, see sections 1405q, 1406, 1406a, and 1612 of this title.

Laws of United States for protection and improvement of navigable waters and the preservation of the interest of navigation and commerce to apply to Virgin Islands, see section 1405c of this title.

§ 1393. Colonial councils; eligibility to membership in.

No person owing allegiance to any country other than the United States of America shall be eligible to hold office as a member of the colonial councils of the Virgin Islands of the United States nor to hold any public office under the government of said islands. (July 12, 1921, ch. 44, § 1, 42 Stat. 123.)

CODIFICATION

Section is a provision from the Naval Service Appropriation Act, 1922.

§ 1394. Customs duties and internal-revenue taxes.

There shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the Virgin Islands the rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of, or manufactured in, such islands, from materials the growth or product of such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per centum of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. In determining whether such a Virgin Islands article contains foreign material to the value of more than 20 per centum, no material shall be considered foreign which, at the time the Virgin Islands article is entered, or withdrawn from warehouse, for consumption, may be imported into the continental United States free of duty generally. (Mar. 3, 1917, ch. 171, § 3, 39 Stat. 1133; Sept. 7, 1950, ch. 909, 64 Stat. 784.)

AMENDMENTS

1950—Act Sept. 7, 1950, permitted free entry of articles into the United States from the Virgin Islands when such articles contain foreign materials which may be imported directly into the United States free of duty.

CROSS REFERENCES

Industrial alcohol plants, application of internal revenue laws to Virgin Islands, see section 5314 of Title 26, Internal Revenue Code, 1954.

Internal revenue, special provisions applicable to Virgin Islands, see sections 7652 and 7653 of Title 26, Internal Revenue Code, 1954.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1392, 1396 of this title.

§ 1395. Tax laws continued; tax on sugar.

Until Congress shall otherwise provide all laws now imposing taxes in the said West Indian Islands, including the customs laws and regulations, shall, insofar as compatible with the changed sovereignty and not otherwise herein provided, continue in force and effect, except that articles the growth, product, or manufacture of the United States shall be admitted

there free of duty: *Provided*, That upon exportation of sugar to any foreign country, or the shipment thereof to the United States or any of its possessions, there shall be levied, collected, and paid thereon an export duty of \$6 per ton of two thousand pounds, irrespective of polariscope test, in lieu of any export tax now required by law: *Provided further*, That the internal revenue taxes levied by the Colonial Council of Saint Croix, or by the Colonial Council of Saint Thomas and Saint John, in pursuance of the authority granted by this section and sections 1391, 1392, 1394, and 1396 of this title on articles, goods, wares, or merchandise may be levied and collected as the Colonial Council of Saint Croix, or as the Colonial Council of Saint Thomas and Saint John, may direct, on the articles subject to said tax, as soon as the same are manufactured, sold, used, or brought into the island: *And provided further*, That no discrimination be made between the articles imported from the United States or foreign countries and similar articles produced or manufactured in the municipality of Saint Croix, or in the municipality of Saint Thomas and Saint John, respectively. The officials of the Customs and Postal Services of the United States are directed to assist the appropriate officials of the municipality of Saint Croix, or of the municipality of Saint Thomas and Saint John, in the collection of these taxes. (Mar. 3, 1917, ch. 171, § 4, 39 Stat. 1133; Feb. 25, 1927, ch. 192, § 5, 44 Stat. 1235; June 24, 1932, ch. 275, 47 Stat. 333.)

AMENDMENTS

1932—Act June 24, 1932, added provisos permitting local levy of internal revenue taxes, prohibiting discrimination against imports, and directing the customs and postal services to assist in collecting taxes.

1927—Act Feb. 25, 1927, reduced export duty on sugar from \$8 to \$6 per ton.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1392, 1396 of this title.

§ 1396. Duties and taxes covered into island treasury.

The duties and taxes collected in pursuance of sections 1394 and 1395 of this title shall not be covered into the general fund of the Treasury of the United States, but shall be used and expended for the government and benefit of the Virgin Islands, under such rules and regulations as the President may prescribe. (Mar. 3, 1917, ch. 171, § 5, 39 Stat. 1133.)

CROSS REFERENCES

Disposition of proceeds of taxes on articles produced in the Virgin Islands and transported into the United States, see section 7652(b) (3) of Title 26, Internal Revenue Code, 1954.

Use of proceeds of customs duties and taxes collected in the Virgin Islands, see section 1642 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1392 of this title.

§ 1397. Income-tax laws of United States in force.

The income-tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in the Virgin Islands of the United States, except that the proceeds of such taxes shall be paid into the treasuries of said islands. (July 12, 1921, ch. 44, § 1, 42 Stat. 123.)

CODIFICATION

Section is a provision from the Naval Service Appropriation Act, 1922.

CROSS REFERENCES

All provisions of laws of the United States applicable to assessment and collection of taxes imposed by Internal Revenue Code as applicable to possessions, see section 7651(a) of Title 26, Internal Revenue Code, 1954.

Disposition of proceeds of taxes on articles produced in the Virgin Islands and transported into the United States, see section 7652(b) (3) of Title 26, Internal Revenue Code, 1954.

Use of proceeds of United States income tax collected in the Virgin Islands, see section 1642 of this title.

Taxation of income derived from sources within the United States, see section 933 of Title 26, Internal Revenue Code, 1954.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 sections 932, 934.

§ 1398. Quarantine and passport fees.

CODIFICATION

Section, act July 1, 1922, ch. 259, 42 Stat. 788, was a provision from the Navy Department and Naval Service Appropriation Act, 1923, and is now covered by section 1642 of this title.

§ 1399. Laws of United States affecting navigation; applicability.

The provisions of sections 401, 403, 404, 406, 407, 408, 409, 411 to 416, 418, and 502 of Title 33, are made applicable to the Virgin Islands and the navigable waters thereof. (July 3, 1930, ch. 847, § 8, 46 Stat. 948; July 1, 1932, ch. 370, § 1, 47 Stat. 565.)

REFERENCES IN TEXT

Section 416 of Title 33, included within the reference to sections 411 to 416 of Title 33, has been omitted from the Code as covered by section 725a(b)(14) of Title 31, Money and Finance.

AMENDMENTS

1932—Act July 1, 1932, included sections 401, 403, 404, 406, 407, 408, 409, 411—413, and 502 in enumerated sections.

CROSS REFERENCES

Jurisdiction of violations of sections set out in this section as vested in the District Court of the Virgin Islands of the United States, see section 1392b of this title.

Laws of United States for protection and improvement of navigable waters and the preservation of the interest of navigation and commerce to apply to Virgin Islands, see section 1405c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1392b of this title.

§ 1400. Admiralty laws of United States; extension to islands.

There is conferred upon the judicial tribunals of the Virgin Islands jurisdiction in admiralty which shall be the same as is exercised by the United States district courts, and the practice and procedure shall be the same as in the United States district courts, and all cases coming within the admiralty jurisdiction of said tribunals shall be determined in accordance with the general admiralty laws of the United States of America. (May 20, 1932, ch. 194, 47 Stat. 160.)

CROSS REFERENCES

Admiralty jurisdiction of United States district courts, see section 1333 of Title 28, Judiciary and Judicial Procedure.

§ 1401. Equalization of taxes on real property; declaration of policy.

It is the policy of Congress to equalize and more equitably to distribute existing taxes on real property in the Virgin Islands of the United States and to reduce the burden of taxation now imposed on land in productive use in such islands. (May 26, 1936, ch. 450, § 1, 49 Stat. 1372.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1401b, 1401e of this title.

§ 1401a. Same; valuation for assessment; uniformity of rates.

For the calendar year 1936 and for all succeeding years all taxes on real property in the Virgin Islands shall be computed on the basis of the actual value of such property and the rate in each municipality of such islands shall be the same for all real property subject to taxation in such municipality whether or not such property is in cultivation and regardless of the use to which such property is put. (May 26, 1936, ch. 450, § 2, 49 Stat. 1372.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1401b, 1401e of this title.

§ 1401b. Rate of tax in absence of local laws; regulations by President for assessment and collection pending adoption of local laws.

Until local tax laws conforming to the requirements of sections 1401 to 1401e of this title are in effect in a municipality the tax on real property in such municipality for any calendar year shall be at the rate of 1.25 per centum of the assessed value. If the legislative authority of a municipality failed to enact laws for the levy, assessment, collection, or enforcement of any tax imposed under authority of said sections, within three months after May 26, 1936, the President shall prescribe regulations for the levy, assessment, collection, and enforcement of such tax, which shall be in effect until the legislative authority of such municipality shall make regulations for such purposes. (May 26, 1936, ch. 450, § 3, 49 Stat. 1372.)

CROSS REFERENCES

Excess or additional rate of taxation for servicing outstanding bonds authorized, see section 1403 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1401e of this title.

§ 1401c. Same; depository.

All taxes so levied and collected shall be deposited in the municipal treasury of the municipality in which such taxes are collected. (May 26, 1936, ch. 450, § 4, 49 Stat. 1372.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1401b, 1401e of this title.

§ 1401d. Same; payments by Virgin Islands Corporation; valuation; property owned by United States.

The Virgin Islands Corporation shall pay annually into the municipal treasuries of the Virgin Islands in lieu of taxes an amount equal to the amount of taxes which would be payable on the real property in the Virgin Islands owned by the Virgin Islands Corpora-

tion, if such real property were in private ownership and taxable, but the valuation placed upon such property for taxation purposes by the local taxing authorities shall be reduced to a reasonable amount by the designee of the President of the United States as provided in section 1407 of this title if, after investigation, he finds that such valuation is excessive and unreasonable, and any such reduction in valuation, together with the findings on which it is based, shall not be reviewable by any court. The Virgin Islands Corporation shall also pay into the municipal treasuries of the Virgin Islands amounts equal to the amounts of any taxes of general application which a private corporation similarly situated would be required to pay into the said treasuries. Similar payments shall be made with respect to any property owned by the United States in the Virgin Islands which is used for ordinary business or commercial purposes, and the income derived from any property so used shall be available for making such payments: *Provided, however,* That the payments authorized by this section shall not include payments in lieu of income taxes, capital stock taxes, or franchise taxes. (May 26, 1936, ch. 450, § 5, 49 Stat. 1372; June 30, 1949, ch. 285, § 12, 63 Stat. 356.)

AMENDMENTS

1949—Act June 30, 1949, made section applicable to the Virgin Islands Corporation.

EFFECTIVE DATE OF 1949 AMENDMENT

Section 14 of act June 30, 1949, provided that amendment of this section by section 12 of act June 30, 1949, shall be effective as of June 30, 1949.

CROSS REFERENCES

Financial control of Virgin Islands Company, see chapter 14 of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1401b, 1401e of this title.

§ 1401e. Same; exemptions; authority of municipalities to alter, amend, or repeal existing laws.

Nothing in sections 1401 to 1401e of this title shall be construed as altering, amending, or repealing exemptions from taxation, existing on May 26, 1936, of property used for educational, charitable, or religious purposes. Subject to the provisions of said sections, the legislative authority of the respective municipalities is empowered to alter, amend, or repeal, subject to the approval of the Governor, any law imposing taxes on real and personal property on May 26, 1936. (May 26, 1936, ch. 450, § 6, 49 Stat. 1373.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1401b of this title.

§ 1401f. Purchases.

The Territorial and local governments of the Virgin Islands are authorized to make purchases through the General Services Administration. (Pub. L. 91-361, title I, § 100, July 31, 1970, 84 Stat. 673.)

CODIFICATION

Section, as it relates to Guam, American Samoa, and the Trust Territory of the Pacific Islands, is set out as sections 14231, 1665, and 1682, respectively, of this title.

SIMILAR PROVISIONS

Section is from the Department of the Interior and Related Agencies Appropriation Act, 1971. Similar provisions were contained in prior appropriation acts:

- 1969—Oct. 29, 1969, Pub. L. 91-98, title I, § 100, 83 Stat. 151.
 1968—July 28, 1968, Pub. L. 90-425, title I, § 100, 82 Stat. 430.
 1967—June 24, 1967, Pub. L. 90-28, title I, § 100, 81 Stat. 63.
 1966—May 31, 1966, Pub. L. 89-435, title I, § 100, 80 Stat. 174.
 1965—June 28, 1965, Pub. L. 89-52, title I, § 100, 79 Stat. 179.
 1964—July 7, 1964, Pub. L. 88-356, title I, § 100, 78 Stat. 278.
 1963—July 26, 1963, Pub. L. 88-79, title I, § 100, 77 Stat. 102.
 1962—Aug. 9, 1962, Pub. L. 87-578, title I, § 100, 76 Stat. 339.
 1961—Aug. 3, 1961, Pub. L. 87-122, title I, § 100, 75 Stat. 250.
 1960—May 13, 1960, Pub. L. 86-455, title I, § 100, 74 Stat. 112.
 1959—June 23, 1959, Pub. L. 86-60, title I, § 100 73 Stat. 101.
 1958—June 4, 1958, Pub. L. 85-439, title I, § 100, 72 Stat. 163.
 1957—July 1, 1957, Pub. L. 85-77, title I, § 100, 72 Stat. 163.
 1956—June 13, 1956, ch. 380, title I, § 101, 70 Stat. 264.
 1955—June 16, 1955, ch. 147, title I, § 1, 69 Stat. 149.
 1954—July 1, 1954, ch. 446, title I, § 101, 68 Stat. 372.
 1953—July 31 1953, ch. 298, title I, § 1, 67 Stat. 273.
 1952—July 9, 1952, ch. 597, title I, § 101, 66 Stat. 457.
 1951—Aug. 31, 1951, ch. 375, title I, § 101, 65 Stat. 263.
 1950—Sept. 6, 1950, ch. 896, ch. VII, title I, § 101, 64 Stat. 694.

§ 1402. Extension of industrial alcohol and internal revenue laws to Virgin Islands.

Sections 71 to 89 of Title 27 and all provisions of the internal revenue laws relating to the enforcement thereof, are extended to and made applicable to the Virgin Islands, from and after August 27, 1935. The Insular Government shall advance to the Treasury of the United States such funds as may be required from time to time by the Secretary of the Treasury for the purpose of defraying all expenses incurred by the Treasury Department in connection with the enforcement in the Virgin Islands of the said sections and regulations promulgated thereunder. The funds so advanced shall be deposited in a separate trust fund in the Treasury of the United States and shall be available to the Treasury Department for the purposes of this section. (June 26, 1936, ch. 830, title III, § 320(c), 49 Stat. 1957.)

REFERENCES IN TEXT

The provisions of sections 71—89 of Title 27, Intoxicating Liquors, to which reference is made in this section, were repealed and substantially reenacted as part of the Internal Revenue Code, 1954.

CODIFICATION

Provisions similar to this section relating to Puerto Rico are set out as section 734a of this title.

CROSS REFERENCE

Industrial alcohol plants, application of internal revenue laws to Virgin Islands, see section 5314 of Title 26, Internal Revenue Code, 1954.

§ 1403. Issuance of bonds or other obligations by government or municipalities; use of proceeds; limit on public indebtedness; terms, execution, interest rate, and sale price; taxes.

To construct, improve, extend, better, repair, reconstruct, acquire, and operate any and all types of

public works which shall include, but not be limited to, streets, bridges, wharves, and harbor facilities, sewers and sewage-disposal plants, municipal buildings, schools, libraries, gymnasias and athletic fields, fire houses, electric distribution systems or other work pertaining to electric systems, and other public utilities, including those owned or operated by the Saint Thomas Power Authority, or to clear slums, accomplish urban redevelopment or provide low-rent housing, negotiable general obligation bonds and other obligations may be issued by the government of the Virgin Islands or any municipality thereof: *Provided*, That no public indebtedness of any municipality thereof shall be incurred in excess of 10 per centum of the aggregate assessed valuation of the taxable real property in such municipality and that no public indebtedness of the government 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 islands. Bonds issued pursuant to sections 1403 to 1403b of this title 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 non-redeemable, 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 or of the municipality issuing the bonds. 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 4 per centum per annum, payable semiannually. All such bonds shall be sold for not less than the principal amount thereof plus accrued interest. All bonds issued by the government of the Virgin Islands or any municipality thereof, 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: *Provided further*, That the government of the Virgin Islands and any municipality thereof shall be obliged to levy and collect sufficient taxes for servicing any of the outstanding bonds, even if such taxation is required at a rate in excess of or in addition to the tax or tax rate of 1.25 per centum of the assessed value which is provided for in section 1401b of this title. (Oct. 27, 1949, ch. 769, § 1, 63 Stat. 940.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1403b, 1408a of this title.

§ 1403a. Same; expenditure for public improvements.

The proceeds of the bond issues or other obligations herein authorized shall be expended only for the public improvements set forth in section 1403 of

this title, or for the reduction of the debt created by such bond issue or obligation, unless otherwise authorized by the Congress. (Oct. 27, 1949, ch. 769, § 2, 63 Stat. 941.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1403, 1403b, 1408a of this title.

§ 1403b. Same; liability of United States.

Bonds or other obligations issued pursuant to sections 1403 to 1403b of this title shall not be a debt of the United States, nor shall the United States be liable thereon. (Oct. 27, 1949, ch. 769, § 3, 63 Stat. 941.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1403, 1408a of this title.

CIVIL GOVERNMENT

§ 1405. Geographical application of sections; land and waters included in term "Virgin Islands."

The provisions of this Act, and the name "the Virgin Islands" as used in this Act, shall apply to and include the territorial domain, lands 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 in August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. L. 1706). (June 22, 1936, ch. 699, § 1, 49 Stat. 1807.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 22, 1936, ch. 699, 49 Stat. 1807, known as the Organic Act of the Virgin Islands of the United States, which is classified to sections 1405 to 1405g, 1405j to 1405r, 1405u to 1405w, 1405x, 1405z to 1406l, and 1405k to 1406m of this title.

CROSS REFERENCE

Provisions of act of June 22, 1936, ch. 699, 49 Stat. 1807, not inconsistent with chapter 12 of this title as continued in force and effect, see section 1574(c) of this title. See, also, References in Text note under this section.

§ 1405a. Division into municipalities of "Saint Croix" and "Saint Thomas and Saint John"; boundaries; capital; governing authority.

The insular possession which is the Virgin Islands shall be divided into two municipalities, namely, (1) the municipality of Saint Croix and (2) the municipality of Saint Thomas and Saint John. The boundaries of said municipalities shall be the same as at present established in accordance with laws in force on June 22, 1936, and the capital and seat of the central government shall be Saint Thomas. In this Act the phrase "the Government of the Virgin Islands" shall include, in addition to the governing authority of the insular possession, the governing authority of the two municipalities, unless the context shall indicate a different intention. (June 22, 1936, ch. 699, § 2, 49 Stat. 1807.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 22, 1936, ch. 699, 49 Stat. 1807, known as the Organic Act of the Virgin Islands of the United States, which is classified to sections 1405 to 1405g, 1405j to 1405r, 1405u to 1405w, 1405x, 1405z to 1406l, and 1406k to 1406m of this title.

§ 1405h. Inhabitants of municipalities constituted bodies politic and juridic; powers generally.

The inhabitants of the municipality of Saint Croix and of the municipality of Saint Thomas and Saint

John are constituted into bodies politic and juridic, under the present name of each such municipality, and as such bodies they shall have perpetual succession and power (a) to adopt and use an official seal; (b) to sue and in cases arising out of contract to be sued; (c) to demand the fulfillment of obligations under the law and to defend and prosecute all actions at law; (d) to acquire property by purchase, exchange, donation or bequest, by virtue of proceedings for the collection of taxes, by eminent-domain proceedings, or by any other means provided by law, and to possess, administer, and govern such property; and (e) to alienate or encumber any of their property, subject to the provisions of this Act. (June 22, 1936, ch. 699, § 3, 49 Stat. 1807.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 22, 1936, ch. 699, 49 Stat. 1807, known as the Organic Act of the Virgin Islands of the United States, which is classified to sections 1405 to 1405g, 1405j to 1405r, 1405u to 1405w, 1405x, 1405z to 1406l, and 1406k to 1406m of this title.

§ 1405c. Transfer of property to Government; application of tonnage duties, navigation laws, etc.; existing powers of United States officers unaffected; sale of property by Secretary of Interior.

(a) All property which may have been acquired by the United States from Denmark in the Virgin Islands under the convention entered into August 4, 1916, not reserved by the United States for public purposes prior to June 22, 1937, is placed under the control of the Government of the Virgin Islands.

(b) Except as otherwise expressly provided, all laws of the United States for the protection and improvement of the navigable waters of the United States shall apply to the Virgin Islands.

(c) No Federal laws levying tonnage duties, light money, or entrance and clearance fees shall apply to the Virgin Islands.

(d) The Legislative Assembly 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 Legislative Assembly, such laws enacted by the Legislative Assembly shall have no force and effect.

(e) Nothing in this Act 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.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 22, 1936, ch. 699, 49 Stat. 1807, known as the Organic Act of the Virgin Islands of the United States, which is classified to sections 1405 to 1405g, 1405j to 1405r, 1405u to 1405w, 1405x, 1405z to 1406l, and 1406k to 1406m of this title.

AMENDMENTS

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.

CROSS REFERENCES

Terms of the convention between the United States and Denmark, see 39 Stat. 1706.

Ex. ORD. No. 9170. CERTAIN NAVIGATION LAWS MADE APPLICABLE TO VIRGIN ISLANDS

Ex. Ord. No. 9170, 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), August 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. Legislative branch; "Municipal Council of Saint Croix"; composition and election.

All local legislative powers in the municipality of Saint Croix, except as herein otherwise provided, shall be vested in a local legislative assembly, which shall be designated the "Municipal Council of Saint Croix." Said council shall consist of nine members elected by the qualified electors of the municipality for a term of two years beginning the 1st day of January next succeeding the date of election. The members shall be elected in four representative districts, two of which shall be the town of Christiansted and the country district thereof, and two of which shall be the town of Frederiksted and the country district thereof, as defined by law in force on June 22, 1936: *Provided*, That two members shall be elected for each of said districts and one member at large. (June 22, 1936, ch. 699, § 5, 49 Stat. 1808.)

§ 1405e. Same; "Municipal Council of Saint Thomas and Saint John"; composition and election.

All local legislative powers in the municipality of Saint Thomas and Saint John, except as herein otherwise provided, shall be vested in a local legislative assembly which shall be designated the "Municipal Council of Saint Thomas and Saint John." Said council shall consist of seven members elected by the qualified electors of the municipality for a term of two years beginning the 1st day of January next succeeding the date of election. The members shall be elected in three representative districts, one of which shall be the town district and one the country district of Saint Thomas, and one the district of Saint John, as defined by law in force on June 22, 1936: *Provided*, That two members shall be elected for each of the districts of Saint Thomas, one member for the district of Saint John, and two members at large. (June 22, 1936, ch. 699, § 6, 49 Stat. 1808.)

§ 1405f. Same; "Legislative Assembly of the Virgin Islands"; composition; meetings; powers.

After January 1, 1937, joint sessions of said municipal councils shall constitute and shall be designated the "Legislative Assembly of the Virgin Islands." The legislative assembly shall convene in

Saint Thomas upon call by the Governor, and also whenever both municipal councils shall determine by resolutions passed by each of them: *Provided*, That the Governor shall call the legislative assembly at least once during each calendar year. The legislative assembly shall have power to enact legislation applicable to the Virgin Islands as a whole, but no legislation shall be considered other than that specified in the message by the Governor calling such a session, or in both of said resolutions: *Provided further*, That so long as the membership of the legislative assembly does not exceed sixteen members, a quorum of the legislative assembly shall consist of not less than ten members, and no bill shall be enacted until it shall be passed by a two-thirds majority vote of the members present. The municipal councils shall not enact laws or ordinances in conflict with the enactments of the legislative assembly. (June 22, 1936, ch. 699, § 7, 49 Stat. 1808.)

§ 1405g. Same; elections, time of holding.

After November 3, 1936, the elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1938, and every two years thereafter. (June 22, 1936, ch. 699, § 8, 49 Stat. 1809.)

CODIFICATION

Act June 22, 1936, § 8, contained additional provisions continuing, until January 1, 1937, the former colonial councils, providing for the holding of the general election on November 3, 1936, and extending to such date the terms of members of such councils of the municipalities of Saint Thomas and Saint John and of Saint Croix which otherwise would have expired prior to that date. These provisions were omitted as executed and obsolete.

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

Sections, act June 22, 1936, ch. 699 §§ 9, 10, 49 Stat. 1809, related to eligibility to membership in municipal councils, and to compensation and travel expenses of members.

§ 1405j. Legislative branch; powers of councils; exemption from liability for speech in council; privilege from arrest.

The respective municipal councils shall be the sole judges of the elections, returns, and qualifications of their members, shall be vested with the authority and attributes inherent in legislative bodies, and shall jointly or separately have the power to institute and conduct investigations, issue subpoenas to witnesses and other parties concerned, and administer oaths. Existing rules of the colonial councils shall continue in force and effect, except as inconsistent with this Act, until altered, amended, or repealed by the respective municipal councils. No members shall be held to answer before any tribunal other than the respective municipal councils themselves for any speech or debate in the municipal councils 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 municipal councils and in going to and returning from the same. (June 22, 1936, ch. 699, § 11, 49 Stat. 1809.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 22, 1936, ch. 699, 49 Stat. 1807, known as the Organic Act of the Virgin Islands of the United States, which is classified to sections 1405 to 1405g, 1405j to 1405r, 1405u to 1405w, 1405x, 1405z to 1406l, and 1406k to 1406m of this title.

§ 1405k. Same; Municipal Committees; appointment and powers.

Each municipal council shall annually appoint from among its members, for a term of one year, three members to serve as a standing committee, which, under the name of the "Municipal Committee", shall advise the Governor concerning the management of the fiscal affairs of the municipality, and concerning matters relating to the municipality. The procedure of the Municipal Committee shall be in accordance with bylaws adopted by the municipal council and approved by the Governor. The Municipal Committee shall have power when granted by local law to recommend to the Governor transfers between items in the annual budgets, and loans from municipal funds, but no such transfers or loans shall be made by the Governor except upon the recommendation of the Municipal Committee. (June 22, 1936, ch. 699, § 12, 49 Stat. 1809.)

§ 1405l. Same; meetings of councils; time and place.

Each municipal council shall assemble for ordinary meetings on a certain day of every second month, which day shall be previously fixed by the Governor for the whole year, and for extraordinary meetings at the call of the Governor or the chairman of the council. The Governor may postpone the meetings of the municipal councils, but not for a longer period than fourteen days. The Municipal Council of Saint Thomas and Saint John shall convene at Saint Thomas, and the Municipal Council of Saint Croix shall convene at Christiansted. (June 22, 1936, ch. 699, § 13, 49 Stat. 1810.)

§ 1405m. Same; introduction of bills in councils by Governor; submission of annual budget; submission of reports.

The Governor may introduce bills in the respective municipal councils. The Governor shall submit to the respective municipal councils, at least ninety days before the close of each fiscal year, a budget of estimated receipts and expenditures for the respective municipalities, which shall be the basis for the annual local appropriation bills for such municipalities. He shall from time to time submit to the respective municipal councils such reports concerning the fiscal affairs of the municipalities as may be requested by resolution of either municipal council. (June 22, 1936, ch. 699, § 14, 49 Stat. 1810.)

§ 1405n. Same; quorum of councils; vote on adoption bills; journals.

The quorum of each municipal council shall consist of an absolute majority of all its members. No bill shall become a law until it shall be passed by a majority (yea-and-nay) vote of the members present and voting of the municipal council having jurisdiction, entered upon the journal, and approved by the Governor, except as otherwise herein provided. Each municipal council shall keep a journal of its proceedings and publish the same during the year, and the yeas and nays of the members voting on any question shall be entered on the journal. (June 22, 1936, ch. 699, § 15, 49 Stat. 1810.)

§ 1405o. Same; acts of councils and assembly; approval or veto by Governor; submission of repassed vetoed bills to President; annulment of acts by Congress; appropriations.

New legislation, and repeals, alterations, and amendments of local laws of the Virgin Islands by the municipal council having jurisdiction, and by the legislative assembly, shall be effective and enforced when, and to the extent, such new legislation, repeals, alterations, and amendments are approved by the Governor, and the Governor shall state specifically in each case whether his approval or disapproval is in whole or in part, and if in part only, what part is approved and what part not approved. The Governor may veto any specific item or items in any bill which appropriates money for specific purposes, but shall veto other bills, if at all, only as a whole. If any bill passed by the municipal council having jurisdiction or by the legislative assembly be disapproved in whole or in part by the Governor, the Governor shall within thirty calendar days return such bill to the said municipal council or to the legislative assembly, whether in actual session or not, setting forth his objections. If after reconsideration by the legislative body having jurisdiction two-thirds of all the members of the said body pass such bill or part thereof, it shall be sent to the Governor who, in case he shall not then approve it, shall transmit the same to the President. If the President approves such bill or part of bill, he shall sign it and it shall become law; if he does not approve such bill or part of bill, he shall return it to the Governor, so stating, and it shall not become law. If any bill shall not be returned by the Governor as herein provided within thirty calendar days after it shall have been presented to him the same shall become a law in like manner as if he had signed it. The President shall approve or disapprove an act submitted to him under the provisions of this section within three months from and after its presentation for his approval; and if not acted upon within such time, it shall become a law the same as if it had been specifically approved. All laws enacted by the Municipal Council of Saint Croix, by the Municipal Council of Saint Thomas and Saint John, or by the legislative assembly, shall be reported by the Governor to the Secretary of the Interior, and by him to the Congress, which reserves the power and the authority to annul the same. The laws not annulled shall be published annually as a public document. If at the termination of any fiscal year the appropriation necessary for the support of the municipal government for the ensuing fiscal year shall not have been made, then the several sums appropriated¹ 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 re-appropriated, item by item; and until the municipal council of the municipality having jurisdiction shall act in such behalf, the Governor may make the payments and collections necessary for the purpose aforesaid. (June 22, 1936, ch. 699, § 16, 49 Stat. 1810.)

§ 1405p. Same; voting franchise; discrimination based on race, color, sex, or religious belief prohibited.

Beginning on January 1, 1938, or on such earlier date subsequent to January 1, 1937, as may be fixed

¹ So in original. Probably should read "appropriated".

by local law or ordinance for either municipality, and thereafter, 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, and able to read and write the English language. Additional qualifications may be prescribed by the legislative assembly: *Provided, however,* That no property 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. (June 22, 1936, ch. 699, § 17, 49 Stat. 1811.)

§ 1405q. Same; laws continued in force until modified; patent, trade-mark, and copyright laws extended to 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 Act, 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 said sections 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 said sections, except as herein otherwise provided, and to enact new laws and ordinances not inconsistent with said sections 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.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 22, 1936, ch. 699, 49 Stat. 1807, known as the Organic Act of the Virgin Islands of the United States, which is classified to sections 1405 to 1405g, 1405j to 1405r, 1405u to 1405w, 1405x, 1405z to 1406i, and 1406k to 1406m of this title.

CROSS REFERENCES

Jurisdiction of District Court of the Virgin Islands, see sections 1392b, 1406, 1406a, and 1612 of this title.

Provisions of act June 22, 1936, ch. 699, 49 Stat. 1807, not inconsistent with chapter 12 of this title as continued in force and effect, see section 1574(c) of this title. See, also References in Text note under this section.

§ 1405r. Same; legislative power; tax discrimination against nonresidents prohibited.

The legislative power of the Virgin Islands shall extend to all subjects of local application not inconsistent with this Act or the laws of the United States made applicable to said islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty entered into by the United States, nor shall the lands or other property of nonresidents be taxed higher than the lands or other property of residents. (June 22, 1936, ch. 699, § 19, 49 Stat. 1811.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 22, 1936, ch. 699, 49 Stat. 1807, known as the Organic Act of the Virgin Islands of the United States, which is classified to sections 1405 to 1405g, 1405j to 1405r, 1405u to 1405w, 1405x, 1405z to 1406i, and 1406k to 1406m of this title.

§ 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 the executive branch of the Government, and to the appointment, powers and duties of the Governor.

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

Section 1405t, act June 22, 1939, ch. 699, § 21, 49 Stat. 1812, related to the appointment, powers and duties of the Government Secretary.

§ 1405u. Executive branch; Administrator for Saint Croix; appointment, powers, and duties.

The Secretary of the Interior shall appoint an Administrator for Saint Croix, who shall act for the Governor in the administration of the affairs of the municipality of Saint Croix. He shall, when practicable, attend all meetings of the Municipal Council of Saint Croix, before which body he shall give expression to the advice of the Governor. He shall exercise supervision over all administrative departments in the municipality of Saint Croix, subject to the direction of the Governor. (June 22, 1936, ch. 699, § 22, 49 Stat. 1812.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of that Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1405v. Same; executive and administrative officers; appointment, powers, and duties.

The Secretary of the Interior shall appoint such other executive and administrative officers as may, in his discretion, be required. Such officers shall have such powers and duties as may be conferred or imposed upon them by law or ordinance, or by order of the Secretary of the Interior or executive regulation of the Governor not inconsistent with any such law or ordinance. The salary of all executive officers and employees appointed by the President or by the Secretary of the Interior shall be paid from funds appropriated for the Government of the Virgin Islands by the Congress in annual appropriation bills, or as may be otherwise provided by law. The officers appointed by the Secretary of the Interior shall hold office during his pleasure, and in making such appointments the Secretary shall give due consideration to natives of the Virgin Islands. (June 22, 1936, ch. 699, § 23, 49 Stat. 1813.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of that Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out

in the Appendix to Title 5, Government Organization and Employees.

§ 1405w. Same; salaried officers and employees; appointment.

The Governor shall appoint, by and with the advice and consent of the municipal council having jurisdiction, all salaried officers and employees of the municipal governments whose salaries are provided for in the budgets of the municipal governments. In the event of a vacancy in any appointive office under the Government of the Virgin Islands, or the absence, illness, or temporary disqualification of any appointive officer, the Governor shall designate an officer or employee of the Government of the Virgin Islands to discharge the functions of such officer during such vacancy, absence, illness, or temporary disqualification. (June 22, 1936, ch. 699, § 24, 49 Stat. 1813.)

§ 1405w-1. Appointment of executive assistant to the Governor and the legal counsel.

CODIFICATION

Section, act July 3, 1945, ch. 262, § 1, 59 Stat. 359, which was a provision from the Interior Department Appropriation Act, 1946, is now covered by section 1591 of this title.

§ 1405x. Judicial branch; "District Court of Virgin Islands"; inferior courts; Superior Court.

The judicial power of the Virgin Islands shall be vested in a court to be designated "the District Court of the Virgin Islands" and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by local law: *Provided*, That the legislative assembly may provide for the organization and conduct of a Superior Court of the Virgin Islands and may transfer from the district court to such Superior Court jurisdiction over any or all causes other than those arising under the laws of the United States. Appeals from the Superior Court shall be as provided by law in the case of appeals from the district court. (June 22, 1936, ch. 699, § 25, 49 Stat. 1813.)

§ 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 the appointment of a judge of the district court, a special judge, district attorney, and court officers.

§ 1405z. Judicial branch; divisions of district court; terms; rules of practice; process.

The District Court of the Virgin Islands shall consist of two divisions, one constituted by the municipality of Saint Croix and one constituted by the municipality of Saint Thomas and Saint John, as defined by local law in force on June 22, 1936. The judge of the district court shall hold court in each division at such time as he may designate by order, at least once in two months in each division. The rules of practice and procedure in such district court shall be prescribed by law or ordinance or by rules and regulations of the district judge not inconsistent with law or ordinance. The process of the district court shall run throughout the Virgin Islands. (June 22, 1936, ch. 699, § 27, 49 Stat. 1813.)

FEDERAL RULES OF CRIMINAL PROCEDURE

Application of rules, see note by Advisory Committee under rule 54, Title 18, Appendix, Crimes and Criminal Procedure.

§ 1406. Same; jurisdiction of district court generally.

The district court shall have jurisdiction of—

(1) All criminal cases under the laws of the respective municipalities or under the laws of the United States applicable to the Virgin Islands;

(2) All cases in equity;

(3) All cases in admiralty;

(4) All cases of divorce and annulment of marriage;

(5) All cases at law involving principal sums exceeding \$200;

(6) All cases involving title to real estate;

(7) All appeals from judgments rendered in the inferior courts;

(8) All matters and proceedings not otherwise hereinabove provided for which, on June 22, 1936, were within the jurisdiction of the District Court of the Virgin Islands, or of the judge thereof, or which may hereafter be placed within the jurisdiction of the District Court of the Virgin Islands, or of the judge thereof, by local law.

The district court shall also have concurrent jurisdiction with the inferior courts as provided in section 1406d of this title. (June 22, 1936, ch. 699, § 28, 49 Stat. 1814.)

CROSS REFERENCES

Jurisdiction of—

District Court of the Virgin Islands over violations of provisions for protection of navigable waters, see section 1392b of this title.

Injunction proceedings under Fair Labor Standards Act of 1938, section 201 et seq. of Title 29, Labor, see section 217 of Title 29, Labor.

FEDERAL RULES OF CRIMINAL PROCEDURE

Application of rules, see note by Advisory Committee under rule 54, Title 18, Appendix, Crimes and Criminal Procedure.

§ 1406a. Same; jurisdiction of district court over crimes on high seas.

The district court shall also have jurisdiction of offenses under the criminal laws of the United States when such offenses are committed on the high seas beyond the territorial limits of the Virgin Islands on vessels belonging in whole or in part to the United States, to any citizen thereof, or to any corporation created by or under the laws of the United States or of any State or Territory thereof, and the offenders are found in the Virgin Islands or are brought into the Virgin Islands after the commission of the offense. (June 22, 1936, ch. 699, § 29, 49 Stat. 1814.)

FEDERAL RULES OF CRIMINAL PROCEDURE

Application of rules, see note by Advisory Committee under rule 54, Title 18, Appendix, Crimes and Criminal Procedure.

§ 1406b. Same; appeals from district court.

Appeals from the District Court of the Virgin Islands shall be as provided by law in force on June 26, 1936: *Provided*, That no appeal shall be predicated upon the existence of a right of appeal under the law of Denmark. (June 22, 1936, ch. 699, § 30, 49 Stat. 1814.)

§ 1406c. Same; jury trials in criminal cases.

In any criminal case originating in said district court, no person shall be denied the right to trial by jury on the demand of either party: *Provided*, That if no jury is demanded the case shall be tried by the court without a jury: *Provided further*, That the judge of the district court may, on his own motion, order a jury for the trial of any criminal action: *Provided further*, That the respective municipal councils of Saint Croix and of Saint Thomas and Saint John, may provide for trial in misdemeanor cases by a jury of six qualified persons. (June 22, 1936, ch. 699, § 31, 49 Stat. 1814.)

FEDERAL RULES OF CRIMINAL PROCEDURE

Application of rules, see note by Advisory Committee under rule 54, Title 18, Appendix, Crimes and Criminal Procedure.

§ 1406d. Same; jurisdiction of inferior courts.

The inferior courts shall have jurisdiction concurrent with the district court in all civil cases in which the principal sum claimed does not exceed \$200, and of all criminal cases wherein the punishment that may be imposed shall not exceed a fine of \$100 or imprisonment not exceeding six months, all violations of police regulations and executive regulations, and any cause or offense wherein jurisdiction hereafter shall have been conferred by local law. Such inferior courts shall hold preliminary investigations in charges of felony and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction granted to the inferior courts by this section, and shall commit offenders to the district court and grant bail in bailable cases. The rules governing said courts and prescribing the duties of inferior judges and inferior court officers, oaths, and bonds, the times and places of holding such courts, the disposition of fines, costs, forfeitures, enforcements of judgments, providing for appeals therefrom to the district court, and the disposition and treatment of prisoners shall be as established by law or ordinance in force on June 22, 1936, or as may hereafter be established by law or ordinance by the municipal council having jurisdiction. (June 22, 1936, ch. 699, § 32, 49 Stat. 1814.)

§ 1406e. Same; appeals from inferior courts.

Appeals in civil and criminal cases from the judgments and rulings of the inferior courts shall be to the district court and shall be taken in accordance with the laws and ordinances of the respective municipalities: *Provided*, That the right of appeal in all cases, civil and criminal, shall be as established by law or ordinance in force on June 22, 1936, or as may hereafter be established by law or ordinance by the municipal council having jurisdiction. (June 22, 1936, ch. 699, § 33, 49 Stat. 1815.)

§ 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.)

§ 1406g. Bill of rights and restrictions.

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.

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.

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

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

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, 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 assemble 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, and the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and 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 contracting of polygamous or plural marriages is prohibited.

No money shall be paid out of the treasury except in accordance with an Act of Congress or money bill of the local legislative authority having jurisdiction and on warrant drawn by the proper officer.

The employment of children under the age of fourteen years in any occupation injurious to health or morals or hazardous to life or limb is prohibited. (June 22, 1936, ch. 699, § 34, 49 Stat. 1815.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 22, 1936, ch. 699, 49 Stat. 1807, known as the Organic Act of the Virgin Islands of the United States, which is classified to sections 1405 to 1405g, 1405j to 1405r, 1405u to 1405w, 1405x, 1405z to 1406i, and 1406k to 1406m of this title.

§ 1406h. Taxes, duties and fees as funds for benefit of municipalities; appropriations.

All taxes, duties, fees, and public revenues collected in the municipality of Saint Croix shall be covered into the treasury of the Virgin Islands and held in account for said municipality and all taxes, duties, fees, and public revenues collected in the municipality of Saint Thomas and Saint John shall be covered into said treasury of the Virgin Islands and held in account for said municipality: *Provided*, That the proceeds of customs duties, less the cost of collection, and the proceeds of the United States income tax, and the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands shall be covered into the treasury of the Virgin Islands and held in account for the respective municipalities, and shall be expended for the benefit and government of said municipalities in accordance with the annual municipal budgets. The Municipal Council of Saint Croix may make appropriations for the purposes of said municipality from, and to be paid out of, the funds credited to its account in the treasury of the Virgin Islands; and the Municipal Council of Saint Thomas and Saint John may make appropriations for the purposes of said municipality from, and to be paid out of, the funds credited to its account in said treasury. (June 22, 1936, ch. 699, § 35, 49 Stat. 1816.)

§ 1406i. Taxes and fees; power to assess and collect; ports of entry; export duties.

Taxes and assessments on property and incomes, internal-revenue taxes, license fees, and service fees may be imposed and collected, and royalties for franchises, privileges, and concessions granted may be collected for the purposes of the Government of the Virgin Islands as may be provided and defined by the municipal councils herein established: *Provided*, That all money hereafter derived from any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury of the Virgin Islands and paid out for such purpose only, except when otherwise authorized by the legislative authority having jurisdiction after the purpose for which such fund was created has been accomplished. Until Congress shall otherwise provide, all laws concerning import duties and customs in the municipality of Saint

Thomas and Saint John now in effect shall be in force and effect in and for the Virgin Islands: *Provided*, That the Secretary of the Treasury shall designate the several ports and sub-ports of entry in the Virgin Islands of the United States and shall make such rules and regulations and appoint such officers and employees as he may deem necessary for the administration of the customs laws in the Virgin Islands of the United States; and he shall fix the compensation of all such officers and employees and provide for the payment of such compensations and other expenses of the collection of duties, fees, and taxes imposed under the customs laws from the receipts thereof. The export duties in effect on June 22, 1936 may be from time to time reduced, repealed, or restored by ordinance of the municipal council having jurisdiction: *Provided further*, That no new export duties shall be levied in the Virgin Islands except by the Congress. (June 22, 1936, ch. 699, § 36, 49 Stat. 1816.)

§ 1406j. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 649.

Section, act June 22, 1936, ch. 699, § 38, 49 Stat. 1817, provided for the citizenship of officials and for oath of office.

§ 1406k. Jurisdiction of Secretary of the Interior and Attorney General.

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 shall be as hereinbefore in this Act provided under the supervision of the Attorney General. (June 22, 1936, ch. 699, § 39, 49 Stat. 1817.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 22, 1936, ch. 699, 49 Stat. 1807, known as the Organic Act of the Virgin Islands of the United States, which is classified to sections 1405 to 1405g, 1405j to 1405r, 1405u to 1405w, 1405x, 1405z to 1406i, and 1406k to 1406m of this title.

§ 1406l. Effective date.

This Act shall take effect June 22, 1936, 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 present 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. (June 22, 1936, ch. 699, § 40, 49 Stat. 1817.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 22, 1936, ch. 699, 49 Stat. 1807, known as the Organic Act of the Virgin Islands of the United States, which is classified to sections 1405 to 1405g, 1405j to 1405r, 1405u to 1405w, 1405x, 1405z to 1406i, and 1406k to 1406m of this title.

§ 1406m. Short title.

This Act may be cited as the Organic Act of the Virgin Islands of the United States. (June 22, 1936, ch. 699, § 41, 49 Stat. 1817.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 22, 1936, ch. 699, 49 Stat. 1807, known as the Organic Act of the Virgin Islands of the United States, which is classified to sections 1405 to 1405g, 1405j to 1405r, 1405u to 1405w, 1405x, 1405z to 1406i, and 1406k to 1406m of this title.

CROSS REFERENCES

Provisions of Organic Act of the Virgin Islands of the United States not inconsistent with the Revised Organic Act of the Virgin Islands or chapter 12 of this title as continued in force and effect, see section 1574(c) of this title and References in Text note under that section.

VIRGIN ISLANDS CORPORATION

§ 1407. Creation of Corporation; name.

In order to promote the general welfare of the inhabitants of the Virgin Islands of the United States through the economic development of the Virgin Islands, there is created a body corporate to be known as the Virgin Islands Corporation, hereinafter referred to as the "Corporation". The Corporation shall be subject to the general direction of the President of the United States, or the head of such agency as he may designate as his representative. (June 30, 1949, ch. 285, § 1, 63 Stat. 350.)

EFFECTIVE DATE

Section 14 of act June 30, 1949, provided that sections 1407—1407i of this title shall become effective June 30, 1949.

SHORT TITLE

Congress in enacting sections 1407—1407i and amendments to section 846 of Title 31 and section 1401d of this title provided by section 15 of act June 30, 1949 that they shall be known as the "Virgin Islands Corporation Act".

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by 1950 Reorg. Plan No. 3, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

DISSOLUTION OF VIRGIN ISLANDS COMPANY

Section 11 of act June 30, 1949, provided that: "The Secretary of the Interior, the Under Secretary of the Interior, and the Governor of the Virgin Islands, who are the stockholders of the Virgin Islands Company, a corporation created by ordinance of the Colonial Council for Saint Thomas and Saint John, Virgin Islands of the United States, are authorized and directed to take such steps as may be appropriate to dissolve the said Virgin Islands Company."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1401d, 1407b, 1407c, 1407d, 1407e, 1407f of this title.

§ 1407a. Principal offices; venue; establishment of branch offices.

The Corporation shall have its principal offices in the Virgin Islands and in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be an inhabitant of each of these jurisdictions. The Corporation may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business. (June 30, 1949, ch. 285, § 2, 63 Stat. 351.)

EFFECTIVE DATE

Section effective June 30, 1949, see note set out under section 1407 of this title.

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by 1950 Reorg. Plan No. 3, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1407b, 1407c, 1407d, 1407e, 1407f of this title.

§ 1407b. Authorized activities of Corporation.

Subject to the provisions of the Government Corporation Control Act, the Corporation is authorized to engage in the following activities when it finds that such activities will further the purposes of sections 1407 to 1407i of this title and will not conflict with the encouragement and promotion of private enterprise in the Virgin Islands:

(a) To examine, investigate, and conduct research and experimentation in the marketing, distributing, advertising, and exporting of products or resources of the Virgin Islands, and to make known the results of such activities.

(b) To encourage and promote the investment of private capital in industrial, agricultural, commercial, or related enterprises, undertakings, or activities in the Virgin Islands. Insofar as may be possible without jeopardizing the maximum development of the industrial, agricultural, commercial, and related resources of the Virgin Islands for the public good, the Corporation shall formulate its policies so as to encourage and promote the investment of capital owned by residents of the Virgin Islands.

(c) To engage in land-use planning to the end that the most economic and socially beneficial use may be made of the soil of the Virgin Islands, and to encourage and assist private persons and organizations to act in accordance with the results of such planning.

(d) To encourage and engage in the business of providing, whenever adequate facilities are not otherwise available, transportation for persons and property between the Virgin Islands and to and from the Virgin Islands, Puerto Rico, and Tortola.

(e) To encourage, promote, and develop, and to assist in the encouragement, promotion, and development of, tourist trade in the Virgin Islands.

(f) To encourage the establishment and development of small farms and small farm communities in the Virgin Islands, and, for that purpose, to construct, equip, improve, and supervise such small farms or communities and to give other assistance to them.

(g) To make loans to any person for the establishment, maintenance, operation, construction, reconstruction, repair, improvement, or enlargement of any industrial, commercial, agricultural, or related enterprise, undertaking, or activity in the Virgin Islands whenever such loans are not available from private sources. All loans so made shall be of such sound value or so secured as reasonably to assure repayment, taking into consideration the policy of the Congress that the lending powers of the Corporation shall be administered as a means for accomplishing the purposes stated in section 1407 of

this title, and shall bear interest at a rate not exceeding 6 per centum per annum. It shall be the general policy of the Corporation to establish interest rates on loans, subject to the foregoing limitations, that, in the judgment of the Board of Directors, will at least cover the interest cost of funds to the United States Treasury, other expenses of the lending activities of the Corporation, and a risk factor which, over all, should provide for losses that may materialize on loans. The loans made under the authority of this paragraph outstanding at any one time shall not exceed a total of \$5,000,000.

(h) To establish, maintain, operate, and engage in, upon its own account, any appropriate enterprise, undertaking, or activity for the development of the industrial, commercial, mining, agricultural, livestock, fishery, or forestry resources of the Virgin Islands: *Provided*, That the Corporation shall not engage in the manufacture of rum or other alcoholic beverages. (June 30, 1949, ch. 285, § 3, 63 Stat. 351.)

REFERENCES IN TEXT

The Government Corporation Control Act, referred to in the opening paragraph of section, is classified to chapter 14 of Title 31, Money and Finance.

EFFECTIVE DATE

Section effective June 30, 1949, see note set out under section 1407 of this title.

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by 1950 Reorg. Plan No. 3, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1407c, 1407d, 1407e, 1407f of this title.

§ 1407c. General powers; termination date.

The Corporation shall have, and may exercise, the following general powers in carrying on the activities specified in section 1407b of this title:

(a) To have succession until June 30, 1969, unless sooner dissolved by Act of Congress. At such time as the Board of Directors finds that the economic development of the Virgin Islands of the United States will be served effectively by the sale of some or all of the assets of the Corporation to private enterprise, such disposal may be effected, and for this purpose the Board of Directors is authorized to sell any or all such assets at such time as it considers appropriate for a fair and reasonable value, without regard to the provisions of the Federal Property and Administrative Services Act of 1949, as amended, or any other law: *Provided*, That the sale of any property valued at \$500 or more shall be made only after public advertisement and by sealed competitive bids or public auction: *Provided further*, That in either such case the Government of the Virgin Islands shall have the right to purchase the property at a price not greater than that offered by the highest responsible bidder and that, in the case of sales of property valued at less than \$500, it shall have a right to purchase at a price not greater than that offered by responsible prospective purchasers.

(b) To adopt, alter, and use a corporate seal, which shall be judicially noticed.

(c) To adopt, amend, and repeal bylaws governing the conduct of its business, and the performance of the powers and duties granted to or imposed upon it by law.

(d) To sue and to be sued in its corporate name.

(e) To determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the laws applicable specifically to Government corporations.

(f) To acquire, in any lawful manner, any property—real, personal, or mixed, tangible or intangible—to hold, maintain, use, and operate the same; and to sell, lease, or otherwise dispose of the same, whenever any of the foregoing transactions are deemed necessary or appropriate to the conduct of the activities authorized by sections 1407 to 1407i of this title, and on such terms as may be prescribed by the Corporation.

(g) To enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, or with any State, Territory, or possession, or with any political subdivision thereof, or with any person, firm, association, or corporation, as may be deemed necessary or appropriate to the conduct of the activities authorized by sections 1407 to 1407i of this title, and on such terms as may be prescribed by the Corporation: *Provided*, That in no case shall the Corporation contract to undertake an activity for any agency or instrumentality of the United States, or for any State, Territory, or possession, or for any political subdivision thereof, unless the latter is authorized by law to undertake such activity and furnishes the funds for such purpose.

(h) To execute all instruments necessary or appropriate in the exercise of any of its functions.

(i) To appoint, without regard to the provisions of the civil-service laws, such officers, agents, attorneys, and employees as may be necessary for the conduct of the business of the Corporation; to delegate to them such powers and to prescribe for them such duties as may be deemed appropriate by the Corporation; to establish an efficiency or merit rating system, as may be desirable; to fix and pay such compensation to them for their services as the Corporation may determine, without regard to the provisions of the classification laws except to the extent that these laws may be extended to the Corporation by the President of the United States; without regard to the provisions of any other law, to establish hours of work, conditions governing the payment of compensation for overtime hours, and working rules and working conditions generally; and to require bonds from such of them as the Corporation may designate, the premiums therefor to be paid by the Corporation. In the appointment of officials and the selection of employees for said Corporation, and in the promotion of any such officials or employees, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency. Any member of said board who is found by the

President of the United States or his representative to be guilty of a violation of this section shall be removed from office by the President of the United States, and any appointee of said board who is found by the board to be guilty of a violation of this section shall be removed from office by said board. Persons employed by the Corporation shall not be included in making computations pursuant to the provisions of section 947 of Title 5. The Corporation shall give due consideration to residents of the Virgin Islands in the selection and promotion of its officers and employees.

(j) To use the United States mails in the same manner and under the same conditions as the executive departments of the Federal Government.

(k) To have, in the payment of debts out of bankrupt or insolvent estates, the priority of the United States.

(l) To accept gifts or donations of services, or of property—real, personal, or mixed, tangible or intangible—in aid of any of the activities authorized by sections 1407 to 1407i of this title.

(m) To settle and adjust claims held by it against other persons or parties and by other persons or parties against the Corporation.

(n) To take such actions as may be necessary or appropriate to carry out the powers and duties herein or hereafter specifically granted to or imposed upon it.

(o) To construct, operate, and maintain salt water distillation facilities in Saint Thomas, Virgin Islands. Such facilities shall be used to supply water for sale to the government of the Virgin Islands and to persons purchasing directly from the Corporation: *Provided*, That the principal contract for the construction of such facilities shall not be executed by the Corporation—

(i) until the government of the Virgin Islands has contracted to purchase a minimum quantity of water at a price established by the Corporation, and the price established by the Corporation for sale of water shall be calculated to cover, as a minimum, all costs of construction, operation, and maintenance of such water distillation facilities, including but not limited to depreciation and payment of interest on the Corporation's indebtedness in connection with such facilities;

(ii) until the Secretary of the Interior has concluded that such facilities will most economically and expeditiously provide an adequate supplemental supply of potable water for St. Thomas; and

(iii) if the Secretary so concludes, until the expiration of forty-five calendar days (exclusive of days on which the House of Representatives or the Senate is not in session because of an adjournment of more than three days to a day certain) from the date on which such construction contract has been submitted to the Committees on Interior and Insular Affairs of the House of Representatives and the Senate. With such contract, there shall also be submitted to such committees an explanatory statement of the Secretary's conclusion pursuant to (ii) hereof, together with the reasons therefor and supplemental data concerning alternative sources of water which have been investigated.

The Corporation shall report annually to the Congress on the operation of the plant and shall include in its reports all technical and operational information pertinent to the prosecution of the Government's saline water research and development program (sections 1951—1958 of Title 42) which is derived from said operation.

(p) To borrow from the Treasury of the United States, within such amounts as may be approved in appropriation Acts, for the sole purpose of constructing, operating, and maintaining the facilities authorized in subsection (o) of this section, sums of money not to exceed a total of \$2,000,000. For this purpose the Corporation may issue to the Secretary of the Treasury its notes, debentures, bonds, or other obligations to be redeemable at the option of the Corporation before maturity in such manner as may be stipulated in such obligations: *Provided*, That all such obligations shall be redeemed within a period of not to exceed twenty years from date of issuance out of revenues from the sale of water. Each such obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yields on outstanding marketable obligations of the United States having comparable maturities. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Corporation to be issued hereunder and, for such purpose, the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of the Corporation's obligations hereunder. (June 30, 1949, ch. 285, § 4, 63 Stat. 352; Sept. 2, 1958, Pub. L. 85-913, §§ 1—3, 72 Stat. 1759.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377. Titles I-IV and VI-VIII thereof are classified to chapters 10 and 16 of Title 40, Public Buildings, Property, and Works, and chapter 4 of Title 41, Public Contracts. Title V thereof was classified to former chapter 11 of Title 44, Public Printing and Documents, but was repealed in the revision of Title 44 by Pub. L. 90-620, § 3, Oct. 22, 1968, 82 Stat. 1309. The subject matter of such former title V is now covered by chapters 21, 25, 27, 29, and 31 of Title 44.

The civil-service laws, referred to in subsec. (i), are classified generally to Title 5, Government Organization and Employees.

The classification laws, referred to in subsec. (i), are chapter 51 and subchapter III of chapter 53 of Title 5.

Section 947 of Title 5, referred to in subsec. (i), was repealed by act Sept. 12, 1950, ch. 946, title III, § 301(85), 64 Stat. 843.

The Second Liberty Bond Act, referred to in text, is act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended, which was classified to section 745, former section 747, sections 752, 752a, 753, 754, 754a, 754b, 757, 757b, and 757c, former section 757c-1, and sections 757c-2, 757c-3, 757d, 757e, 758, 760, 764, 765, 766, 769, 771, 773, 774, and 801 of title 31, Money and Finance.

AMENDMENTS

1958—Subsec. (a). Pub. L. 85-913, § 1, extended the Corporation's existence from June 30, 1959, to June 30, 1969 and authorized the sale of assets to promote the economic development of the Virgin Islands.

Subsec. (i). Pub. L. 85-913, § 2, authorized the Corporation to establish an efficiency or merit rating system

and to establish hours of work, conditions governing the payment of compensation for overtime hours, and working rules and working conditions generally.

Subsecs. (o), (p). Pub. L. 85-913, § 3, added subsecs. (o) and (p).

EFFECTIVE DATE

Section effective June 30, 1949, see note set out under section 1407 of this title.

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by 1950 Reorg. Plan No. 3, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1407b, 1407d, 1407e, 1407f of this title.

§ 1407d. Utilization of other Federal agencies and instrumentalities.

The Corporation in carrying on the activities authorized by sections 1407 to 1407i of this title shall utilize, to the extent practicable, the available services and facilities of other agencies and instrumentalities of the Federal Government or of the government of the Virgin Islands; and shall not engage in any undertaking which substantially duplicates an undertaking previously initiated and currently being prosecuted within the Virgin Islands by any such agency or instrumentality. (June 30, 1949, ch. 285, § 5, 63 Stat. 353.)

EFFECTIVE DATE

Section effective June 30, 1949, see note set out under section 1407 of this title.

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by 1950 Reorg. Plan No. 3, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1407b, 1407c, 1407e, 1407f of this title.

§ 1407e. Revolving fund; total amount available; advances appropriation for fiscal years 1950 and 1951; repayment to revolving fund.

(a) The Corporation is authorized to obtain money from the Treasury of the United States, for use in the performance of the powers and duties granted to or imposed upon it by law, not to exceed a total of \$15,000,000 outstanding at any one time. For this purpose appropriations not to exceed \$15,000,000 are authorized to be made to a revolving fund in the Treasury. Advances shall be made to the Corporation from the revolving fund when requested by the Corporation. Not to exceed a total of \$2,750,000 shall be appropriated under any authority contained in sections 1407 to 1407i of this title for the period ending June 30, 1951, comprising the fiscal years 1950 and 1951.

(b) As the Corporation repays the amounts thus obtained from the Treasury, the repayments shall be made to the revolving fund. (June 30, 1949, ch. 285, § 6, 63 Stat. 353; Sept. 2, 1958, Pub. L. 85-913, § 4, 72 Stat. 1760; Oct. 4, 1961, Pub. L. 87-382, 75 Stat. 812.)

AMENDMENTS

1961—Subsec. (a). Pub. L. 87-382 authorized an increase from \$11,000,000 to \$15,000,000 in amount of appropriations to be made to revolving fund in the Treasury of the United States for use by the Corporation in the performance of its powers and duties.

1958—Subsec. (a). Pub. L. 85-913 authorized an increase from \$9,000,000 to \$11,000,000 in amount of appropriations to be made to revolving fund in the Treasury of the United States for use by the Corporation in the performance of its powers and duties.

EFFECTIVE DATE

Section effective June 30, 1949, see note set out under section 1407 of this title.

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by 1950 Reorg. Plan No. 3, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1407b, 1407c, 1407d, 1407f, 1407g of this title.

§ 1407f. Corporate use of funds.

(a) Undertaking new or major activities outside budget program; approval by Congress or President.

The Corporation is authorized to use its funds, from whatever source derived, in the exercise of its corporate powers and functions: *Provided, however.* That the Corporation shall not undertake any new types of activities or major activities not included in the budget program submitted to the Congress pursuant to section 847 of Title 31, except when authorized by legislation enacted by the Congress after said program is submitted, or except, when the Congress is not in session, upon finding made by the Corporation and approved by the President of the United States that an emergency exists which justifies the undertaking of new types of activities authorized by sections 1407 to 1407i of this title but not included in the budget program. Such finding and emergency action shall be reported to the Congress by the President, and appropriations for the expenses of such emergency action are authorized.

(b) Interest payments on advances; covered into Treasury; determination of interest rate.

The Corporation shall pay into the Treasury as miscellaneous receipts interest on the advances from the Treasury provided for by section 1407e (a) of this title; on that part of the Government's investment represented by the value, at the time of transfer of the property and other assets transferred, less the liabilities assumed, pursuant to section 1407i of this title; and on the net value, as approved by the Director of the Office of Management and Budget, of any property and assets, the ownership of which hereafter may be transferred by the Government to the Corporation without cost, or for consideration clearly not commensurate with the value received. The Secretary of the Treasury shall determine the interest rate annually in advance, such rate to be calculated to reimburse the Treasury for its cost, taking into consideration the current average interest rate which the Treasury pays upon its marketable obligations.

(c) Contributions to civil-service retirement and disability fund and Employees' Compensation Fund; basis.

The Corporation shall after June 30, 1949, contribute to the civil-service retirement and disability fund, on the basis of annual billings as determined by the Civil Service Commission, for the Government's share of the cost of the civil-service retirement system applicable to the corporation's employees and their beneficiaries. The Corporation shall also after June 30, 1949, contribute to the Employees' Compensation Fund, on the basis of annual billings as determined by the Federal Security Administrator for the benefit payments made from such fund on account of the Corporation's employees. The annual billings shall also include a statement of the fair portion of the cost of the administration of the respective funds, which shall be paid by the Corporation into the Treasury as miscellaneous receipts. (June 30, 1949, ch. 285, § 7, 63 Stat. 353, 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. —).

CHANGE OF NAME

The Bureau of the Budget was designated the Office of Management and Budget and the offices of Director of the Bureau of the Budget, Deputy Director of the Bureau of the Budget, and Assistant Directors of the Bureau of the Budget were designated Director of the Office of Management and Budget, Deputy Director of the Office of Management and Budget, and Assistant Directors of the Office of Management and Budget, respectively, by Reorg. Plan No. 2 of 1970, set out in the Appendix to Title 5, Government Organization and Employees, which also transferred all records, property, personnel, and funds of the Bureau to the Office of Management and Budget.

EFFECTIVE DATE

Section effective June 30, 1949, see note set out under section 1407 of this title.

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by 1950 Reorg. Plan No. 3, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1407b, 1407c, 1407d, 1407e of this title.

§ 1407g. Appropriations; appraisal of working capital requirements.

(a) Appropriations are authorized for payment to the Corporation in the form of a grant of such amounts as may be necessary to cover losses incurred in the conduct of its activities which are included in the annual budget as predominantly revenue producing.

(b) Appropriations are also authorized for payment to the Corporation in the form of a grant, to be accounted for as general funds of the Corporation, in such amounts as may be necessary to meet expenses to be incurred for specific programs which are included in the annual budget as not predominantly of a revenue-producing character: *Provided, however,* That (1) in the case of activities of a predominantly non-revenue-producing character the expenses shall not exceed the amounts of the grants for these activities, and that (2) the funds granted under this subsection shall be expended

only upon certification by a duly authorized certifying officer designated by the Corporation, and the responsibilities and liabilities of such certifying officer shall be fixed in the same manner as those of certifying officers under sections 82b, and 82c to 82e of Title 31.

(c) The Board of Directors shall have the power and duty to appraise at least annually its necessary working capital requirements and its reasonably foreseeable requirements for authorized plant replacement and expansion, and it shall pay into the Treasury of the United States any funds in excess thereof. Such payments shall be applied, first, to reduce the balance attributable to advances outstanding under section 1407e (a) of this title and, second, to the Government's investment represented by the value of the net assets transferred under section 1407i of this title and any subsequent similar investments by the Government in the Corporation. (June 30, 1949, ch. 285, § 8, 63 Stat. 354; Sept. 2, 1958, Pub. L. 85-913, § 5, 72 Stat. 1760.)

AMENDMENTS

1958—Subsec. (a). Pub. L. 85-913 substituted provision authorizing appropriations only for deficits which have actually been incurred for prior provision permitting appropriation in advance of sums required to meet expected deficits.

EFFECTIVE DATE

Section effective June 30, 1949, see note set out under section 1407 of this title.

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by 1950 Reorg. Plan No. 3, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1407b, 1407c, 1407d, 1407e, 1407f of this title.

§ 1407h. Board of Directors; composition, appointment, tenure, and compensation; selection of Chairman; meetings; duties; administrative staff.

The management of the Corporation shall be vested in a Board of Directors consisting of seven members, including the Secretary of the Interior, the Secretary of Agriculture, the Administrator of the Small Business Administration, the Governor of the Virgin Islands, and three experienced businessmen who shall be appointed by the President of the United States.

The Board shall select its Chairman. The appointed directors shall serve for a period of six years, except that (1) any director appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term, and (2) the terms of office of the directors first taking office after June 30, 1949 shall expire, as designated by the President at the time of appointment, one at the end of two years, one at the end of four years, and one at the end of six years, after June 30, 1949. Qualifications of Board members shall include demonstrated ability, attachment to the public interest, impartiality, and diversified experience among its members. The Board shall be responsible for over-all policy

making and general supervision. The Board shall meet at least quarterly, at least one of which meetings each year shall be held in the Virgin Islands. The Board of Directors shall act only by a majority vote of those present at a meeting attended by a quorum, and such quorum shall consist of four directors. Subject to the foregoing limitation, vacancies in the membership of the Board shall not affect its power to act. The directors shall receive no salary for their services on the Board, but under regulations and in amounts prescribed by the Board, with the approval of the President or his representative, may be paid by the Corporation reasonable per diem fees, and allowances in lieu of subsistence expenses, for attendance at meetings of the Board and for time spent on official service of the Corporation, and their necessary travel expenses to and from meetings or when upon such official service, without regard to the Travel Expense Act of 1949. The administrative functions shall be centered in a staff of full-time executive officers headed by a President appointed by the Board. The President shall be responsible to the Board for the execution of programs and policies adopted by the Board and for the day-to-day operations of the Corporation. Between meetings of the Board, the Chairman shall see that the Corporation faithfully executes the programs and policies adopted by the Board. (June 30, 1949, ch. 285, § 9, 63 Stat. 354; Sept. 2, 1958, Pub. L. 85-913, § 6, 72 Stat. 1760.)

REFERENCES IN TEXT

The Travel Expense Act of 1949, referred to in the text, is now covered by section 5701 et seq. of Title 5, Government Organization and Employees.

AMENDMENTS

1958—Pub. L. 85-913 substituted in first paragraph "Administrator of the Small Business Administration" for "Chairman of the Reconstruction Finance Corporation".

EFFECTIVE DATE

Section effective June 30, 1949, see note set out under section 1407 of this title.

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by 1950 Reorg. Plan No. 3, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1407b, 1407c, 1407d, 1407e, 1407f of this title.

§ 1407i. Transfer of functions.

(a) There is transferred to the Corporation the following property:

(1) All property—real, personal, and mixed—now operated by the Virgin Islands Company on behalf of the United States, except the property now operated by that Company for the Department of the Interior which was conveyed to that Department by revocable permit from the Navy Department under agreement dated January 1, 1948. The value of the property so transferred shall be fixed at the depreciated cost as of June 30, 1947, shown in schedule 1 of the Comptroller

General's report on the audit of the Virgin Islands Company for the fiscal year ended June 30, 1947, adjusted for all changes from that date to the date of transfer, including depreciation at the rates set forth in said schedule 1.

(2) All the assets and property—real, personal and mixed, tangible and intangible—of the Virgin Islands Company. The value of the property so transferred shall be fixed at the value shown on the books of the Virgin Islands Company at the date of transfer, subject to any adjustment deemed necessary as a result of the audit required to be made by the Comptroller General under section 850 of Title 31.

(3) All the interest of the United States in the property known as Bluebeard's Castle Hotel situated in the island of Saint Thomas in the Virgin Islands. The value of the property so transferred shall be fixed at a value approved by the Director of the Office of Management and Budget.

(b) The Corporation shall assume and discharge all of the liabilities of the Virgin Islands Company: *Provided, however,* That such liabilities shall not be deemed to include the balances of relief grants held by the Virgin Islands Company which are invested in the assets and property embraced by paragraph (a) (2) of this section, and such balances shall become part of the investment of the United States in the Corporation. (June 30, 1949, ch. 285, § 10, 63 Stat. 355; 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. —.)

CHANGE OF NAME

The Bureau of the Budget was designated the Office of Management and Budget and the offices of Director of the Bureau of the Budget, Deputy Director of the Bureau of the Budget, and Assistant Directors of the Bureau of the Budget were designated Director of the Office of Management and Budget, Deputy Director of the Office of Management and Budget, and Assistant Directors of the Office of Management and Budget, respectively, by Reorg. Plan No. 2 of 1970, set out in the Appendix to Title 5, Government Organization and Employees, which also transferred all records, property, personnel, and funds of the Bureau to the Office of Management and Budget.

EFFECTIVE DATE

Section effective June 30, 1949, see note set out under section 1407 of this title.

EXCEPTION FROM TRANSFER OF FUNCTIONS

Functions of the Virgin Islands Corporation and of its Board of Directors and officers were not included in the transfer of functions of officers, agencies and employees of the Department of the Interior to the Secretary of the Interior, made by 1950 Reorg. Plan No. 3, § 1, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

TRANSFER OF FACILITIES; INVESTMENT INCREASE; SUPPLY OF ELECTRIC POWER

Section 7 of Pub. L. 85-913, Sept. 2, 1958, 72 Stat. 1760, authorized the Secretary of the Navy to transfer and convey to the Virgin Islands Corporation, without reimbursement, the power-generating facilities located at the Marine Corps air facility and naval submarine base, Saint Thomas, Virgin Islands, together with all the land, buildings, structures, facilities, distribution lines, fuel tanks, and equipment appurtenant thereto and necessary for the operation thereof, with such transfer to be accomplished not later than June 30, 1969.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1407b, 1407c, 1407d, 1407e, 1407f, 1407g of this title.

PUBLIC HOUSING

§ 1408. Legislative authority to create authorities; appointment of members; powers of authorities.

The government of the Virgin Islands, through its legislative assembly, may grant to a public corporate authority existing or to be created through said assembly, exclusive authority to undertake slum clearance, urban redevelopment, urban renewal, and low-rent housing activities within the municipalities of the Virgin Islands. The legislative assembly may provide for the appointment and terms of office of the members of such authority and for the powers of such authority, including authority to accept whatever benefits the Federal Government may make available under the Housing Act of 1949, as amended, or any other law, for projects contemplated by sections 1408 to 1408e of this title and to do all things, to exercise any and all powers, and to assume and fulfill any and all obligations, duties, responsibilities, and requirements, including but not limited to those relating to planning or zoning, necessary or desirable for receiving such Federal assistance, except that such authority shall not be given any power of taxation, nor any power to pledge the faith and credit of the people of the Virgin Islands for any loan whatever. (July 18, 1950, ch. 466, title III, § 301, 64 Stat. 346; Aug. 11, 1955, ch. 783, title I, § 107 (5), (7), (9), 69 Stat. 638.)

REFERENCES IN TEXT

The Housing Act of 1949, as amended, referred to in the text, is act July 15, 1949, ch. 338, 63 Stat. 413, which is classified principally to chapter 8A of Title 40, The Public Health and Welfare.

AMENDMENTS

1955—Act Aug. 11, 1955, included urban renewal projects, and inserted "as amended" after "Housing Act of 1949".

URBAN RENEWAL ACTIVITIES

Section 107 (4) of act Aug. 11, 1955, amended the heading of title III of the Territorial Enabling Act of 1950, which is classified to sections 1408—1408e of this title, to insert the words "urban renewal" in order to make financial assistance available for urban renewal projects.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1408c, 1408d, 1408e of this title.

§ 1408a. Issuance of notes, bonds, and obligations.

The legislative assembly may authorize such authority, any provision of the Virgin Islands Organic Act or any other Act of Congress to the contrary notwithstanding, to borrow money and to issue notes, bonds, and other obligations of such character and maturity, with such security, and in such manner as the legislative assembly may provide. Such notes, bonds, and other obligations shall not be a debt of the United States, or of the Virgin Islands or of any municipality or subdivision thereof, other than such authority, nor constitute "bonds and other obligations" within the meaning of sections 1403 to 1403b of this title, or a debt, indebtedness, or the borrowing of money within the meaning of any limitation or restriction on the issuance of notes, bonds, or other obligations contained in any laws of the United States applicable to the Virgin Islands or to any municipal corporation or other political subdivision or agency thereof. (July 18, 1950, ch. 466, title III, § 302, 64 Stat. 346.)

REFERENCES IN TEXT

The Virgin Islands Organic Act, referred to in the text, is classified to section 1405 et seq. of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1408, 1408c, 1408d, 1408e of this title.

§ 1408b. Authorization of loans, conveyances, etc., by government and municipalities.

The government of the Virgin Islands, through its legislative assembly, may assist such authority with cash donations, loans, conveyances of real and personal property, facilities, and services, and otherwise, and may authorize municipalities and other subdivisions to make cash donations, loans, conveyances of real and personal property to such authority, and to take other action, including but not limited to, the making available or the furnishing of facilities and services, in aid of slum clearance, urban redevelopment, urban renewal, or low-rent housing projects. (July 18, 1950, ch. 466, title III, § 303, 64 Stat. 347; Aug. 11, 1955, ch. 783, title I, § 107 (5), 69 Stat. 638.)

AMENDMENTS

1955—Act Aug. 11, 1955, included urban renewal projects.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1408, 1408c, 1408d, 1408e of this title.

§ 1408c. Grants-in-aid by Federal government.

Notwithstanding the limitation contained in the last sentence of section 1460 (d) of Title 42 or in any other provision of title I of the Housing Act of 1949 (Public Law 171, Eighty-first Congress), as amended, the Secretary of Housing and Urban Development is authorized to allow and credit to such authority as may be created for the Virgin Islands under section 1408 to 1408e of this title (1) such local grants-in-aid as are otherwise approvable pursuant to the first sentence of section 1460 (d) of Title 42 with respect to any slum clearance and urban redevelopment or urban renewal project or projects undertaken by such authority with Federal assistance made available under title I of the Housing Act of 1949, as amended, and (2) such grants-in-aid made or assistance given to the local community by any Federal department or agency pursuant to authority of law other than the Housing Act of 1949 which would, if made or given by a State or local community, be approvable pursuant to said first sentence of section 1460 (d) of this title with respect to any such project or projects so undertaken. (July 18, 1950, ch. 466, title III, § 304, 64 Stat. 347; Aug. 11, 1955, ch. 783, title I, § 107 (6)—(9), 69 Stat. 638; May 25, 1967, Pub. L. 90-19, § 19, 81 Stat. 22.)

REFERENCES IN TEXT

Title I of the Housing Act of 1949, referred to in text, is classified to section 1450 et seq. of Title 42, The Public Health and Welfare.

The Housing Act of 1949, referred to in the text, is Act July 15, 1949, ch. 338, 63 Stat. 413, which is classified principally to chapter 8A of Title 42.

AMENDMENTS

1967—Pub. L. 90-19 substituted "Secretary of Housing and Urban Development" for "Housing and Home Finance Administrators".

1955—Act Aug. 11, 1955, included urban renewal projects, and inserted "as amended" after (Public Law 171, Eighty-first Congress), and after "Housing Act of 1949" in clause (1).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1408, 1408d, 1408e of this title.

§ 1408d. Same; ratification of prior acts.

All legislation heretofore enacted by the legislative assembly of the Virgin Islands dealing with any part of the subject matter of sections 1408 to 1408e of this title and not inconsistent herewith is ratified and confirmed. (July 18, 1950, ch. 466, title III, § 305, 64 Stat. 347.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1408, 1408c, 1408e of this title.

§ 1408e. Same; additional powers.

Powers granted in sections 1408 to 1408e of this title shall be in addition to and not in derogation of any powers granted by other law to or for the benefit or assistance of any public corporate authority of municipality. (July 18, 1950, ch. 466, title III, § 306, 64 Stat. 347.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1408, 1408c, 1408d of this title.

INTERNAL DEVELOPMENT

§ 1409. Projects; estimated costs; augmentation of limits; priorities.

In order to assist in the internal development of the Virgin Islands, and for the benefit of the government, municipalities, and inhabitants thereof, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide or undertake the following useful projects, including work incidental thereto, on lands owned by the United States, the government of the Virgin Islands, the municipalities of Saint Thomas and Saint John and Saint Croix, or on land acquired for such purpose, at the respective estimated costs indicated: *Provided*, That where found necessary by the Secretary, the funds authorized herein shall be available for the augmentation of limits of cost of projects in an amount not exceeding 25 per centum for any project: *Provided further*, That items 2, 3, 4, 7, 8, 9, 14, 16, and 17 shall have priority over others of the projects on the islands of Saint Thomas and Saint John, and items 19, 20, 22, 27, and 29 shall have priority over others of the projects on the island of Saint Croix: *Provided further*, That funds shall be available for the purposes specified in section 1409a of this title on other projects without regard to the priorities so established.

PROJECTS ON ISLANDS OF SAINT THOMAS AND SAINT JOHN AND ESTIMATED COST THEREOF

1. Hospital facilities, \$565,000.
2. Sanitation and fire-protection facilities, including sewer and water system, \$563,695.
3. Intercepting sewer system including sewage treatment and disposal, \$278,000.
4. Water supply facilities, \$883,750.
5. Schools and educational facilities, \$566,000.

6. Water-front highway, sea wall, and harbor facilities, \$1,097,500.

7. Highways and roads, \$1,387,300.

8. Street improvements, including storm-water drainage, \$327,200.

9. Engineering surveys, \$35,000.

10. Improvements to and construction of public buildings, \$630,000.

11. Prison facilities, \$105,000.

12. Recreational facilities, \$80,000.

13. Telephone and radio communication facilities, \$170,000.

14. Malarial control, \$31,875.

15. Hospital, electric power plant, and improvements to administration building, Cruz Bay, Saint John, \$47,500.

16. Abattoir and cooling plant facilities, \$75,000.

17. Public market facilities, \$80,000.

PROJECT ON ISLAND OF SAINT CROIX AND ESTIMATED COST THEREOF

18. Hospital facilities, \$475,000.

19. Sanitation and fire protection facilities, including sewer and water systems, \$244,600.

20. Water supply facilities, \$490,000.

21. School and educational facilities, \$510,000.

22. Highways and roads, \$606,000.

23. Improvements to and construction of public buildings, \$73,000.

24. Prison facilities, \$113,000.

25. Recreational facilities, \$30,000.

26. Telephone and radio communication facilities, \$150,000.

27. Malarial control, \$50,000.

28. Municipal pier for Christiansted, \$190,000.

29. Public market facilities, \$174,000. (Dec. 20, 1944, ch. 615, § 1, 58 Stat. 827; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F. R. 3176, 64 Stat. 1267.)

TRANSFER OF FUNCTIONS

All functions of the Administrator of General Services under sections 1409—1409j of this title, together with so much of any other function of that Administrator or of the General Services Administration as is incidental to or necessary for the carrying out of the provisions of those sections, were transferred to the Secretary of the Interior by 1950 Reorg. Plan No. 15, set out in the Appendix to Title 5, Government Organization and Employees. See sections 2 and 3 of that Plan for delegation of functions by the Secretary of the Interior, and for transfer of records, property, personnel, and funds.

"Administrator of General Services" was substituted for "Federal Works Administrator" by act June 30, 1949 which abolished the Federal Works Agency, and the office of Federal Works Administrator, and transferred the functions of that Agency, and of the Federal Works Administrator, to the Administrator of General Services. Section 103 of that act is set out as section 753 of Title 40 Public Buildings, Property, and Works.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions from Federal Works Agency and Federal Works Administrator to Administrator of General Services effective July 1, 1949, see note under section 471 of Title 40, Public Buildings, Property, and Works.

ESTIMATES AS NOT CONSTITUTING LIMITATIONS

Act July 31, 1953, ch. 298, title I, § 1, 67 Stat. 275, provided in part that: "The estimated project costs specified in Act of December 20, 1944 [sections 1409—1409j of this title], shall not constitute limitations on amounts that may be expended for such projects."

Similar provisions were contained in acts July 9, 1952, ch. 597, title I, § 101, 66 Stat. 459 and Aug. 31, 1951, ch. 375, title I, § 101, 65 Stat. 264.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1409b, 1409e, 1409f, 1409g, 1409h, 1409i, 1409j of this title.

§ 1409a. Availability of funds for studies, estimates, plans and specifications.

Not to exceed 5 per centum of the funds herein authorized shall also be available for the purpose of making studies, investigations, estimates, plans and specifications, preliminary and final, of the projects herein authorized in advance of undertaking projects and the cost thereof shall be charged to the projects involved. (Dec. 20, 1944, ch. 615, § 2, 58 Stat. 828.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1409b, 1409e, 1409f, 1409g, 1409h, 1409i, 1409j of this title.

§ 1409b. Acquisition of land; transfer of title upon completion of projects; acquisition and construction without regard to other laws.

The Secretary is authorized to acquire, prior to the approval of title by the Attorney General if necessary (without regard to section 1339 of Title 10, and section 5 of Title 41), improved or unimproved lands or interests in lands by purchase, donation, exchange, or condemnation for any project herein authorized. Upon completion of projects on land acquired under this section the Secretary shall forthwith transfer all rights and title of the United States therein to the government of the Virgin Islands or the municipality of Saint Thomas and Saint John, or the municipality of Saint Croix, except those projects constructed for Federal agencies. Projects authorized by sections 1409 to 1409j of this title may be constructed without regard to the provisions of section 255 of Title 40, and section 1339 of Title 10. (Dec. 20, 1944, ch. 615, § 3, 58 Stat. 829; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267.)

REFERENCES IN TEXT

Section 1339 of Title 10, referred to in the text, was repealed by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641 and is now covered by sections 4774 and 9774 of Title 10, Armed Forces.

TRANSFER OF FUNCTIONS

In first sentence, "Secretary", referring to the Secretary of the Interior, was substituted for "Administrator", and, in second sentence, "Secretary" was substituted for "Administrator shall transfer custody thereof to the Secretary of the Interior, who", in view of 1950 Reorg. Plan No. 15, set out in the Appendix to Title 5, Government Organization and Employees. See note under section 1409 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1409e, 1409f, 1409g, 1409h, 1409i, 1409j of this title.

§ 1409c. Acceptance of funds and materials from government and municipalities; deposit of funds.

The Secretary is further authorized to receive and accept funds, materials, supplies, and equipment from the government of the Virgin Islands, the municipalities of Saint Thomas and Saint John, and Saint Croix, and other sources, for use in connection with authorized projects or parts thereof. Any funds so received shall be deposited in a special fund in

the Treasury of the United States and shall be expended or utilized as determined by the Secretary of the Interior. (Dec. 20, 1944, ch. 615, § 4, 58 Stat. 829; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F. R. 3176, 64 Stat. 1267.)

TRANSFER OF FUNCTIONS

"Secretary", referring to the Secretary of the Interior, was substituted for "Administrator", and "Secretary of the Interior" was substituted for "Administrator of General Services", in view of 1950 Reorg. Plan No. 15, set out in the Appendix to Title 5, Government Organization and Employees. See note under section 1409 of this title.

"Administrator of General Services" was substituted for "Federal Works Administrator" by act June 30, 1949. Section 103 of that act is set out as section 753 of Title 40, Public Buildings, Property, and Works. See note under section 1409 of this title.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions from Federal Works Agency and Federal Works Administrator to Administrator of General Services effective July 1, 1949, see note under section 471 of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1409b, 1409e, 1409f, 1409g, 1409h, 1409i, 1409j of this title.

§ 1409d. Construction by contract; employment; wages, hours, and terms.

All construction with respect to projects shall be by contract; *Provided, however*, That repairs or improvements to existing structures or facilities and incidental work in connection with new structures or facilities may be accomplished by the employment of persons without regard to the civil-service and classification laws. The rates of pay, hours of work, and terms of employment for persons engaged on projects shall be fixed by the Secretary. (Dec. 20, 1944, ch. 615, § 5, 58 Stat. 829; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F. R. 3176, 64 Stat. 1267.)

REFERENCES IN TEXT

The "civil-service and classification laws", referred to in the text, are covered, generally, in Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

"Secretary", referring to the Secretary of the Interior was substituted for "Administrator", in view of 1950 Reorg. Plan No. 15, set out in the Appendix to Title 5, Government Organization and Employees. See note under section 1409 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1409b, 1409e, 1409f, 1409g, 1409h, 1409i, 1409j of this title.

§ 1409e. Procurement, warehousing and distribution of property, facilities, etc.; revolving funds.

The Secretary is authorized to procure (without regard to the authority of the Administrator of General Services, to undertake the performance of such procurement, as regards procurement from sources within Puerto Rico and the Virgin Islands), and to warehouse and distribute property, facilities, structures, improvements, machinery, equipment, stores, and supplies from the funds appropriated pursuant to sections 1409 to 1409j of this title. The Secretary is further authorized to prescribe rules and regulations for the establishment of special funds in the nature of revolving funds for use, during the availability of funds herein authorized, in the purchase,

repair, distribution, or rental of materials, supplies, equipment, and tools. (Dec. 20, 1944, ch. 615, § 6, 58 Stat. 829; June 30, 1949, ch. 288, title I, § 102, 63 Stat. 380; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F. R. 3176, 64 Stat. 1267.)

CHANGE OF NAME

Effective January 1, 1947, the name of the Procurement Division of the Treasury Department was changed to the Bureau of Federal Supply by regulation § 5.7 of subpart A of Part 5 of Title 41, Public Contracts, 11 F. R. 13638, issued by the Secretary of the Treasury.

TRANSFER OF FUNCTIONS

"Secretary", referring to the Secretary of the Interior was substituted for "Administrator", in view of 1950 Reorg. Plan No. 15, set out in the Appendix to Title 5, Government Organization and Employees. See note under section 1409 of this title.

"Administrator of General Services" was substituted for "Bureau of Federal Supply", in view of act June 30, 1949, which abolished the Bureau of Federal Supply in the Department of the Treasury, and the office of Director thereof, and transferred the functions of that Bureau and of that Director, and of the personnel of that Bureau, along with the functions of the Secretary of the Treasury relating to that Bureau, to the Administrator of General Services. Section 102 of that act is set out as section 752 of Title 40, Public Buildings, Property, and Works.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions from Bureau of Federal Supply to Administrator of General Services effective July 1, 1949, see note under section 471 of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1409b, 1409f, 1409g, 1409h, 1409i, 1409j of this title.

§ 1409f. Inapplicability of section 5 of Title 41 to certain purchases and services.

The provisions of section 5 of Title 41 shall not apply to any purchase made or service procured in connection with the funds appropriated pursuant to sections 1409 to 1409j of this title when the aggregate amount involved is less than \$500. (Dec. 20, 1944, ch. 615, § 7, 58 Stat. 829.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1409b, 1409e, 1409g, 1409h, 1409i, 1409j of this title.

§ 1409g. Disability and death benefits for employees; exceptions.

The provisions of section 796 of Title 5, relating to disability or death compensation and benefits shall apply to persons (except administrative employees qualifying as civil employees of the United States) receiving compensation from funds appropriated pursuant to sections 1409 to 1409j of this title for services rendered as employees of the United States: *Provided*, That this section shall not apply in any case coming within the purview of the workmen's compensation laws of the Virgin Islands, or in any case in which the claimant has received or is entitled to receive similar benefits for injury or death. (Dec. 20, 1944, ch. 615, § 8, 58 Stat. 829.)

REFERENCES IN TEXT

Section 796 of Title 5, referred to in text, was omitted in the general revision of Title 5, Government Organization and Employees, by Pub. L. 89-544, Sept. 6, 1966, 80 Stat. 378.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1409b, 1409e, 1409f, 1409h, 1409i, 1409j of this title.

§ 1409h. Consideration and determination of claims for injuries and damages; limitations; conclusiveness of settlement.

The Secretary is authorized to consider, ascertain, adjust, determine, and pay from the funds appropriated pursuant to sections 1409 to 1409j of this title any claim on account of injury to persons, or any claim for damage to or loss of privately owned property, caused by the negligence of any employee of the United States paid from such funds while acting within the scope of his employment. No claim shall be considered hereunder which is in excess of \$500 or which is not presented in writing within one year from the date of accrual thereof. Acceptance by a claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof and the action upon such claim so accepted by the claimant shall be conclusive. (Dec. 20, 1944, ch. 615, § 9, 58 Stat. 829; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F. R. 3176, 64 Stat. 1267.)

TRANSFER OF FUNCTIONS

"Secretary", referring to the Secretary of the Interior, was substituted for "Administrator", in view of 1950 Reorg. Plan No. 15, set out in the Appendix to Title 5, Government Organization and Employees. See note under section 1409 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1409b, 1409e, 1409g, 1409h, 1409i, 1409j of this title.

§ 1409i. Rules and regulations.

The Secretary is authorized to make such rules and regulations as he may deem necessary to carry out the provisions of sections 1409 to 1409j of this title. (Dec. 20, 1944, ch. 615, § 10, 58 Stat. 830; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F. R. 3176, 64 Stat. 1267.)

TRANSFER OF FUNCTIONS

"Secretary", referring to the Secretary of the Interior, was substituted for "Administrator", in view of 1950 Reorg. Plan No. 15, set out in the Appendix to Title 5, Government Organization and Employees. See note under section 1409 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1409b, 1409e, 1409f, 1409g, 1409h, 1409j of this title.

§ 1409j. Authorization for appropriations for administrative and other expenses; inapplicability of other laws; transportation of personnel; payments.

There is authorized to be appropriated the sum of \$1,028,420, \$2,028,420 to be available in 1945, and \$2,000,000 in each of the following four years, each yearly sum to remain available until expended, for the purpose of carrying out the provisions of sections 1409 to 1409j of this title, administrative and otherwise, including the employment of engineers, architects, and consultants without regard to section 5 of Title 41, and the civil-service and classification laws; personal services and rental in the District of Columbia and elsewhere; supplies and equipment; travel expenses, including transfer of household goods and effects as provided by the Act of October 10, 1940, and, notwithstanding any other provision of law, transportation to the Virgin Islands and return of officers, employees, and other

persons engaged in carrying out the functions prescribed in sections 1409 to 1409j of this title; purchase, repair, operations, and maintenance of motor-propelled passenger-carrying vehicles; and such other expenses as may be necessary for the accomplishment of the objectives of said sections. All payments from funds made available pursuant to said sections shall be made through the Division of Disbursements of the Treasury Department, upon vouchers certified by the Secretary or employees designated by him for such purpose. (Dec. 20, 1944, ch. 615, § 11, 58 Stat. 830; 1950 Reorg. Plan No. 15, § 1, eff. May 24, 1950, 15 F. R. 3176, 64 Stat. 1267.)

REFERENCES IN TEXT

The "civil-service and classification laws", referred to in the text, are contained, generally, in Title 5, Government Organization and Employees.

The act of October 10, 1940, referred to in the text, is act Oct. 10, 1940, ch. 848, 54 Stat. 1105, which was repealed by act Aug. 2, 1946, ch. 744, § 2, 60 Stat. 807, eff. Nov. 1, 1946. Similar provisions are now contained in section 5721 et seq. of Title 5.

TRANSFER OF FUNCTIONS

"Secretary" was substituted for "Administrator", in view of 1950 Reorg. Plan No. 15, set out in the Appendix to Title 5, Government Organization and Employees. See note under section 1409 of this title.

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of that Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees. The "Division of Disbursements", referred to in this section, probably referring to the Division of Disbursement, is a unit within the Bureau of Accounts, which is a bureau of the Fiscal Service, an agency of the Treasury Department.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1409b, 1409e, 1409f, 1409g, 1409h, 1409i of this title.

AGRICULTURAL PROGRAM

§ 1409m. Establishment and maintenance of an agricultural program.

The Secretary of Agriculture is authorized to establish and maintain in the Virgin Islands of the United States an agricultural research and extension service program. In carrying out the program authorized by sections 1409m to 1409o of this title the Secretary shall utilize the agencies, facilities, and employees of the Department of Agriculture, and may cooperate with the government of the Virgin Islands, and other public and private organizations and individuals in the Virgin Islands and elsewhere. (Oct. 29, 1951, ch. 603, § 1, 65 Stat. 661.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1409o of this title.

§ 1409n. Inter-agency transfer of functions, property, and personnel.

The Secretary of the Interior is authorized to transfer to the United States Department of Agriculture such part of the functions, property, personnel, records, and unexpended balances of appropriations of the agricultural experiment sta-

tions in the Virgin Islands as may be agreed upon between the Secretary of the Interior and the Secretary of Agriculture. (Oct. 29, 1951, ch. 603, § 2, 65 Stat. 662.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1409m, 1409o of this title.

§ 1409o. Authorization of appropriations; use of funds.

There is authorized to be appropriated such amounts as may be necessary to carry out the purposes of sections 1409m to 1409o of this title. The moneys appropriated in pursuance of said sections shall also be available for the purchase and rental of land and the construction or acquisition of buildings, for the equipment and maintenance of such buildings, purchase and rental of passenger-carrying automobiles, employment of persons in the District of Columbia and elsewhere, and for printing and disseminating the results of research, and such other expenditures as may be necessary to carry out the purposes of said sections. Sums appropriated in pursuance of said sections shall be in addition to, and not in substitution for, sums appropriated or otherwise made available to the Department of Agriculture, and may be allocated to such agencies of the Department as are concerned with the administration of the program of the Virgin Islands. (Oct. 29, 1951, ch. 603, § 3, 65 Stat. 662.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1409m of this title.

Chapter 8.—GUANO ISLANDS

Sec.

- 1411. Guano districts; claim by United States.
- 1412. Same; notice of discovery, and proofs.
- 1413. Completion of proof on death of discoverer.
- 1414. Exclusive privileges of discoverer.
- 1415. Restrictions upon exportation.
- 1416. Regulation of trade.
- 1417. Criminal jurisdiction.
- 1418. Employment of land and naval forces in protection of rights.
- 1419. Right to abandon islands.

§ 1411. Guano districts; claim by United States.

Whenever any citizen of the United States discovers a deposit of guano on any island, rock, or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States. (R. S. § 5570.)

DERIVATION

Act Aug. 18, 1856, ch. 164, § 1, 11 Stat. 119.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1415, 1417 of this title.

§ 1412. Same; notice of discovery, and proofs.

The discoverer shall, as soon as practicable, give notice verified by affidavit, to the Department of State, of such discovery, occupation, and possession, describing the island, rock, or key, and the latitude and longitude thereof, as near as may be, and showing that such possession was taken in the name of