

111TH CONGRESS  
2D SESSION

# S. J. RES. 33

To provide for the reconsideration and revision of the proposed constitution of the United States Virgin Islands to correct provisions inconsistent with the Constitution and Federal law.

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IN THE SENATE OF THE UNITED STATES

JUNE 17, 2010

Mr. BINGAMAN (for himself and Ms. MURKOWSKI) introduced the following joint resolution; which was read twice, considered, read the third time, and passed

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## JOINT RESOLUTION

To provide for the reconsideration and revision of the proposed constitution of the United States Virgin Islands to correct provisions inconsistent with the Constitution and Federal law.

Whereas Congress, recognizing the basic democratic principle of government by the consent of the governed, enacted Public Law 94-584 (94 Stat. 2899) authorizing the people of the United States Virgin Islands to organize a government pursuant to a constitution of their own adoption;

Whereas a proposed constitution to provide for local self-government for the people of the United States Virgin Islands was submitted by the President to Congress on March 1, 2010, pursuant to Public Law 94-584;

Whereas Congress, pursuant to Public Law 94-584, after receiving a proposed United States Virgin Islands constitution from the President may approve, amend, or modify the constitution by joint resolution, but the constitution “shall be deemed to have been approved” if Congress takes no action within “sixty legislative days (not interrupted by an adjournment sine die of the Congress) after its submission by the President”;

Whereas in carrying out Public Law 94-584, the President asked the Department of Justice, in consultation with the Department of the Interior, to provide views on the proposed constitution;

Whereas the Department of Justice concluded that several features of the proposed constitution warrant analysis and comment, including—

- (1) the absence of an express recognition of United States sovereignty and the supremacy of Federal law;
- (2) provisions for a special election on the territorial status of the United States Virgin Islands;
- (3) provisions conferring legal advantages on certain groups defined by place and timing of birth, timing of residency, or ancestry;
- (4) residence requirements for certain offices;
- (5) provisions guaranteeing legislative representation of certain geographic areas;
- (6) provisions addressing territorial waters and marine resources;
- (7) imprecise language in certain provisions of the bill of rights of the proposed constitution;
- (8) the possible need to repeal certain Federal laws if the proposed constitution of the United States Virgin Islands is adopted; and

(9) the effect of congressional action or inaction on the proposed constitution; and

Whereas Congress shares the concerns expressed by the executive branch of the Federal Government on certain features of the proposed constitution of the United States Virgin Islands and shares the view that consideration should be given to revising those features: Now, therefore, be it

1       *Resolved by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled,*

3 **SECTION 1. SENSE OF CONGRESS ON PROPOSED CON-**  
4                   **STITUTION FOR UNITED STATES VIRGIN IS-**  
5                   **LANDS.**

6       It is the sense of Congress that Congress—

7                   (1) recognizes the commitment and efforts of  
8       the Fifth Constitutional Convention of the United  
9       States Virgin Islands to develop a proposed constitu-  
10      tion; and

11               (2) urges the Fifth Constitutional Convention  
12      of the United States Virgin Islands to reconvene for  
13      the purpose of reconsidering and revising the pro-  
14      posed constitution in response to the views of the ex-  
15      ecutive branch of the Federal Government.

16 **SEC. 2. REVISION OF PROPOSED CONSTITUTION.**

17       Section 5 of Public Law 94-584 (90 Stat. 2900) is  
18      amended—

1 (1) by designating the first, second, third, and  
2 fourth sentences as subsections (a), (b), (d), and (e),  
3 respectively;

4 (2) in subsection (b) (as so designated)—

5 (A) by striking “within” and all that fol-  
6 lows through “after” and inserting “within 60  
7 legislative days after”; and

(B) by inserting “or has urged the constitutional convention to reconvene,” after “in whole or in part.”;

11 (3) by inserting after subsection (b) (as so des-  
12 ignated) the following:

13        "(c) REVISION OF PROPOSED CONSTITUTION.—

14       “(1) IN GENERAL.—If a convention reconvenes  
15       and revises the proposed constitution, the convention  
16       shall resubmit the revised proposed constitution si-  
17       multaneously to the Governor of the Virgin Islands  
18       and the President.

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

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

1                   “(B) publish the comments in the Federal  
2                   Register.”; and

3                   (4) in subsection (d) (as so designated), by in-  
4                   serting “under subsection (b) (or, if revised pursu-  
5                   ant to subsection (c), on publication of the com-  
6                   ments of the President in the Federal Register)”  
7                   after “or modified”.

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