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1ST SESSION

H. R. 2107

IN THE SENATE OF THE UNITED STATES

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Read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To create the Office of Chief Financial Officer of the
Government of the Virgin Islands, and for other purposes.

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

1 **SECTION 1. CHIEF FINANCIAL OFFICER OF THE VIRGIN IS-**
2 **LANDS.**

3 (a) APPOINTMENT OF CHIEF FINANCIAL OFFICER.—

4 (1) IN GENERAL.—The Governor of the Virgin
5 Islands shall appoint a Chief Financial Officer, with
6 the advice and consent of the Legislature of the Vir-
7 gin Islands, from the names on the list required
8 under section 2(d). If the Governor has nominated
9 a person for Chief Financial Officer but the Legisla-
10 ture of the Virgin Islands has not confirmed a nomi-
11 nee within 90 days after receiving the list pursuant
12 to section 2(d), the Governor shall appoint from
13 such list a Chief Financial Officer on an acting basis
14 until the Legislature consents to a Chief Financial
15 Officer.

16 (2) ACTING CHIEF FINANCIAL OFFICER.—If a
17 Chief Financial Officer has not been appointed
18 under paragraph (1) within 180 days after the date
19 of the enactment of this Act, the Virgin Islands
20 Chief Financial Officer Search Commission, by ma-
21 jority vote, shall appoint from the names on the list
22 submitted under section 2(d), an Acting Chief Fi-
23 nancial Officer to serve in that capacity until a Chief
24 Financial Officer is appointed under the first sen-
25 tence of paragraph (1). In either case, if the Acting
26 Chief Financial Officer serves in an acting capacity

1 for 180 consecutive days, without further action the
2 Acting Chief Financial Officer shall become the
3 Chief Financial Officer.

4 (b) TRANSFER OF FUNCTIONS.—

5 (1) IN GENERAL.—Upon the appointment of a
6 Chief Financial Officer under subsection (a), the
7 functions of the Director of the Office of Manage-
8 ment and Budget established under the laws of the
9 Virgin Islands shall be transferred to the Chief Fi-
10 nancial Officer. All employees of the Office of Man-
11 agement and Budget become employees of the Office
12 of the Chief Financial Officer.

13 (2) DOCUMENTS PROVIDED.—The heads of
14 each department of the Government of the Virgin Is-
15 lands, in particular the head of the Department of
16 Finance of the Virgin Islands and the head of the
17 Internal Revenue Bureau of the Virgin Islands shall
18 provide all documents and information under the ju-
19 risdiction of that head that the Chief Financial Offi-
20 cer considers required to carry out his or her func-
21 tions to the Chief Financial Officer.

22 (c) DUTIES OF CHIEF FINANCIAL OFFICER.—The
23 duties of the Chief Financial Officer shall include the fol-
24 lowing:

1 (1) Assume the functions and authority of the
2 office of the Office of Management and Budget es-
3 tablished under the laws of the Virgin Islands as
4 transferred under subsection (b).

5 (2) Develop a report on the financial status of
6 the Government of the Virgin Islands not later than
7 6 months after appointment and quarterly there-
8 after. Such reports shall be available to the public
9 and shall be submitted to—

10 (A) the Governor of the Virgin Islands;

11 (B) the legislature of the Virgin Islands;

12 (C) the Committee on Natural Resources
13 in the House of Representatives; and

14 (D) the Committee on Energy and Natural
15 Resources in the Senate.

16 (3) Each year certify spending limits of the an-
17 nual budget and whether or not the annual budget
18 is balanced.

19 (4) Monitor operations of budget for compliance
20 with spending limits, appropriations, and laws, and,
21 in consultation with the Governor, direct adjust-
22 ments where necessary.

23 (5) Develop standards for financial manage-
24 ment, including inventory and contracting, for the

1 government of the Virgin Islands in general and for
2 each agency in conjunction with the agency head.

3 (6) Oversee all aspects of the implementation of
4 the financial management system provided pursuant
5 to section 3 to ensure the coordination, trans-
6 parency, and networking of all agencies' financial,
7 personnel, and budget functions.

8 (7) Provide technical staff to the Governor and
9 legislature of the Virgin Islands for development of
10 a deficit reduction and financial recovery plan.

11 (d) DEPUTY CHIEF FINANCIAL OFFICER.—Until the
12 date that is 5 years after the date of the enactment of
13 this Act, the position of the Director of the Office of Man-
14 agement and Budget of the Virgin Islands shall—

15 (1) have the duties, salary (as specified in sub-
16 section (f)(3)), and other conditions of the Deputy
17 Chief Financial Officer in lieu of the duties, salary,
18 and other conditions of the Director of the Office of
19 Management and Budget of the Virgin Islands as
20 such functions existed before the appointment of the
21 Chief Financial Officer; and

22 (2) assist the Chief Financial Officer in car-
23 rying out the duties of the Chief Financial Officer.

24 (e) CONDITIONS RELATED TO CHIEF FINANCIAL OF-
25 FICER.—

1 (1) TERM.—The Chief Financial Officer shall
2 be appointed for a term of 5 years or until the adop-
3 tion and ratification of a Constitution by the Virgin
4 Islands, whichever occurs first.

5 (2) REMOVAL.—The Chief Financial Officer
6 shall not be removed except for cause. An Acting
7 Chief Financial Officer may be removed for cause or
8 by a Chief Financial Officer appointed with the ad-
9 vice and consent of the Legislature of the Virgin Is-
10 lands.

11 (3) REPLACEMENT.—If the Chief Financial Of-
12 ficer is unable to continue acting in that capacity
13 due to removal, illness, death, or otherwise, another
14 Chief Financial Officer shall be selected in accord-
15 ance with subsection (a).

16 (4) SALARY.—The Chief Financial Officer shall
17 be paid at a salary to be determined by the Governor
18 of the Virgin Islands, except such rate may not be
19 less than the highest rate of pay for a cabinet officer
20 of the Government of the Virgin Islands or a Chief
21 Financial Officer serving in any government or semi
22 autonomous agency.

23 (f) CONDITIONS RELATED TO DEPUTY CHIEF FI-
24 NANCIAL OFFICER.—

1 (1) TERM; REMOVAL.—The Deputy Chief Fi-
2 nancial Officer shall serve at the pleasure of the
3 Chief Financial Officer.

4 (2) REPLACEMENT.—If the Deputy Chief Fi-
5 nancial Officer is unable to continue acting in that
6 capacity due to removal, illness, death, or otherwise,
7 another person shall be selected by the Governor of
8 the Virgin Islands to serve as Deputy Chief Finan-
9 cial Officer.

10 (3) SALARY.—The Deputy Chief Financial Offi-
11 cer shall be paid at a salary to be determined by the
12 Chief Financial Officer, except such rate may not be
13 less than the rate of pay of the Director of the Of-
14 fice of Management and Budget.

15 (g) RESUMPTION OF FUNCTIONS.—On the date that
16 is 5 years after the date of the enactment of this Act or
17 upon the adoption and ratification of a Constitution by
18 the Virgin Islands, whichever occurs first, the functions
19 of the Chief Financial Officer shall be transferred to the
20 Director of the Office of Management and Budget of the
21 Virgin Islands.

22 (h) SUNSET.—This section shall cease to have effect
23 after the date that is 5 years after the date of the enact-
24 ment of this Act.

1 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

2 (a) ESTABLISHMENT.—There is established a com-
3 mission to be known as the “Virgin Islands Chief Finan-
4 cial Officer Search Commission”.

5 (b) DUTY OF COMMISSION.—The Commission shall
6 recommend to the Governor not less than 3 candidates for
7 nomination as Chief Financial Officer of the Virgin Is-
8 lands. Each candidate must have demonstrated ability in
9 general management of, knowledge of, and extensive prac-
10 tical experience at the highest levels of financial manage-
11 ment in governmental or business entities and experience
12 in the development, implementation, and operation of fi-
13 nancial management systems. Candidates shall not have
14 served in a policy making or unclassified position of the
15 Government of the Virgin Islands in the 10 years imme-
16 diately preceding appointment as Chief Financial Officer.

17 (c) MEMBERSHIP.—

18 (1) NUMBER AND APPOINTMENT.—The Com-
19 mission shall be composed of 9 members appointed
20 not later than 30 days after the date of the enact-
21 ment of this Act. Persons appointed as members
22 must have recognized business, government, or fi-
23 nancial expertise and experience, and shall be ap-
24 pointed as follows:

25 (A) 1 individual appointed by the Governor
26 of the Virgin Islands.

1 (B) 1 individual appointed by the Presi-
2 dent of the Legislature of the Virgin Islands.

3 (C) 1 individual, who is an employee of the
4 Government of the Virgin Islands, appointed by
5 the Central Labor Council of the Virgin Is-
6 lands.

7 (D) 1 individual appointed by the Chamber
8 of Commerce of St. Thomas-St. John.

9 (E) 1 individual appointed by the Chamber
10 of Commerce of St. Croix.

11 (F) 1 individual appointed by the Presi-
12 dent of the University of the Virgin Islands.

13 (G) 1 individual appointed by the Chief
14 Judge of the Virgin Islands Supreme Court.

15 (H) 1 individual, who is a resident of St.
16 John, jointly appointed by the At-Large Mem-
17 ber of the Legislature of the Virgin Islands and
18 the St. John administrator.

19 (I) 1 individual appointed by the Advocates
20 for the Preservation of the Retirement System.

21 (2) TERMS.—

22 (A) IN GENERAL.—Each member shall be
23 appointed for the life of the Commission.

24 (B) VACANCIES.—A vacancy in the Com-
25 mission shall be filled in the manner in which

1 the original appointment was made. Any mem-
2 ber appointed to fill a vacancy shall be ap-
3 pointed for the remainder of that term.

4 (3) BASIC PAY.—Members shall serve without
5 pay.

6 (4) QUORUM.—Five members of the Commis-
7 sion shall constitute a quorum.

8 (5) CHAIRPERSON.—

9 (A) IN GENERAL.—The Chairperson of the
10 Commission shall be determined by a majority
11 vote of the members of the Commission.

12 (B) CHAIRPERSON PRO TEM.—Until the
13 Commission elects a Chairperson under sub-
14 paragraph (A), the Chairperson pro tem shall
15 be the individual appointed under paragraph
16 (1)(G).

17 (6) MEETINGS.—

18 (A) IN GENERAL.—The Commission shall
19 meet at the call of the Chairperson or the
20 Chairperson pro tem.

21 (B) INITIAL MEETING.—Not later than 15
22 days after all members have been appointed
23 under this subsection, the Commission shall
24 have its initial meeting at the call of the Chair-
25 person pro tem.

1 (7) GOVERNMENT EMPLOYMENT.—Members
2 may not be current government employees, except
3 for the member appointed under paragraph (1)(C).

4 (d) REPORT; RECOMMENDATIONS.—The Commission
5 shall transmit a report to the Governor and the Natural
6 Resources Committee of the House of Representatives and
7 the Committee on Energy and Natural Resources of the
8 Senate not later than 60 days after its first meeting. The
9 report shall name the Commission’s recommendations for
10 candidates for nomination as Chief Financial Officer of
11 the Virgin Islands.

12 (e) TERMINATION.—The Commission shall terminate
13 210 days after its first meeting.

14 **SEC. 3. DEFINITIONS.**

15 For the purposes of this Act, the following definitions
16 apply:

17 (1) CHIEF FINANCIAL OFFICER.—In sections 1
18 and 2, the term “Chief Financial Officer” means a
19 Chief Financial Officer or Acting Chief Financial
20 Officer, as the case may be, appointed under section
21 1(a).

22 (2) COMMISSION.—The term “Commission”
23 means the Virgin Islands Chief Financial Officer
24 Search Commission established pursuant to section
25 2.

(4) REMOVAL FOR CAUSE.—The term “removal for cause” means removal based upon misconduct, failure to meet job requirements, or any grounds that a reasonable person would find grounds for discharge.

9 Nothing in this Act shall be construed to allow the
10 Governor and Legislature of the Virgin Islands to dilute,
11 delegate, or otherwise alter or weaken the powers and au-
12 thority of the Office of Management and Budget estab-
13 lished under the laws of the Virgin Islands.

Attest: LORRAINE C. MILLER,
Clerk.