

112TH CONGRESS  
1ST SESSION

# H. R. 3706

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

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2011

Mrs. CHRISTENSEN introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

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,*

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

5       (a) APPOINTMENT OF CHIEF FINANCIAL OFFICER.—

6               (1) IN GENERAL.—The Governor of the Virgin  
7       Islands shall appoint a Chief Financial Officer, with  
8       the advice and consent of the Legislature of the Vir-  
9       gin Islands, from the names on the list required  
10      under section 2(d). If the Governor has nominated

1 a person for Chief Financial Officer but the Legisla-  
2 ture of the Virgin Islands has not confirmed a nomi-  
3 nee within 90 days after receiving the list pursuant  
4 to section 2(d), the Governor shall appoint from  
5 such list a Chief Financial Officer on an acting basis  
6 until the Legislature consents to a Chief Financial  
7 Officer.

8 (2) ACTING CHIEF FINANCIAL OFFICER.—If a  
9 Chief Financial Officer has not been appointed  
10 under paragraph (1) within 180 days after the date  
11 of the enactment of this Act, the Virgin Islands  
12 Chief Financial Officer Search Commission, by ma-  
13 jority vote, shall appoint from the names on the list  
14 submitted under section 2(d), an Acting Chief Fi-  
15 nancial Officer to serve in that capacity until a Chief  
16 Financial Officer is appointed under the first sen-  
17 tence of paragraph (1). In either case, if the Acting  
18 Chief Financial Officer serves in an acting capacity  
19 for 180 consecutive days, without further action the  
20 Acting Chief Financial Officer shall become the  
21 Chief Financial Officer.

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

1           (1) Develop and report on the financial status  
2           of the Government of the Virgin Islands not later  
3           than 6 months after appointment and quarterly  
4           thereafter. Such reports shall be available to the  
5           public.

6           (2) Each year certify spending limits of the an-  
7           nual budget and whether or not the annual budget  
8           is balanced.

9           (3) Revise and update standards for financial  
10          management, including inventory and contracting,  
11          for the Government of the Virgin Islands in general  
12          and for each agency in conjunction with the agency  
13          head.

14          (c) DOCUMENTS PROVIDED.—The heads of each de-  
15          partment of the Government of the Virgin Islands, in par-  
16          ticular the head of the Department of Finance of the Vir-  
17          gin Islands and the head of the Internal Revenue Bureau  
18          of the Virgin Islands shall provide all documents and in-  
19          formation under the jurisdiction of that head that the  
20          Chief Financial Officer considers required to carry out his  
21          or her functions to the Chief Financial Officer.

22          (d) CONDITIONS RELATED TO CHIEF FINANCIAL OF-  
23          FICER.—

24                (1) TERM.—The Chief Financial Officer shall  
25                be appointed for a term of 5 years.

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

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

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

19          (e) REFERENDUM.—As part of the closest regularly  
20      scheduled, islands-wide election in the Virgin Islands to  
21      the expiration of the fourth year of the five-year term of  
22      the Chief Financial Officer, the Board of Elections of the  
23      Virgin Islands shall hold a referendum to seek the ap-  
24      proval of the people of the Virgin Islands regarding wheth-  
25      er the position of Chief Financial Officer of the Govern-

1 ment of the Virgin Islands shall be made a permanent part  
2 of the executive branch of the Government of the Virgin  
3 Islands. The referendum shall be binding and conducted  
4 according to the laws of the Virgin Islands, except that  
5 the results shall be determined by a majority of the ballots  
6 cast.

7 **SEC. 2. ESTABLISHMENT OF COMMISSION.**

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

11 (b) DUTY OF COMMISSION.—The Commission shall  
12 recommend to the Governor not less than 3 candidates for  
13 nomination as Chief Financial Officer of the Virgin Is-  
14 lands. Each candidate must have demonstrated ability in  
15 general management of, knowledge of, and extensive prac-  
16 tical experience at the highest levels of financial manage-  
17 ment in governmental or business entities and must have  
18 experience in the development, implementation, and oper-  
19 ation of financial management systems.

20 (c) MEMBERSHIP.—

21 (1) NUMBER AND APPOINTMENT.—The Com-  
22 mission shall be composed of 8 members appointed  
23 not later than 30 days after the date of the enact-  
24 ment of this Act. Persons appointed as members  
25 must have recognized business, government, or fi-

1        nancial expertise and experience and shall be ap-  
2        pointed as follows:

3                (A) 1 individual appointed by the Governor  
4                of the Virgin Islands.

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

7                (C) 1 individual, who is an employee of the  
8                Government of the Virgin Islands, appointed by  
9                the Central Labor Council of the Virgin Is-  
10               lands.

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

13               (E) 1 individual appointed by the Chamber  
14               of Commerce of St. Croix.

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

17               (G) 1 individual, who is a resident of St.  
18               John, appointed by the At-Large Member of the  
19               Legislature of the Virgin Islands.

20               (H) 1 individual appointed by the Presi-  
21               dent of AARP Virgin islands.

22        (2) TERMS.—

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

1 (B) VACANCIES.—A vacancy in the Com-  
2 mission shall be filled in the manner in which  
3 the original appointment was made. Any mem-  
4 ber appointed to fill a vacancy shall be ap-  
5 pointed for the remainder of that term.

6 (3) BASIC PAY.—Members shall serve without  
7 pay.

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

10 (5) CHAIRPERSON.—The Chairperson of the  
11 Commission shall be the Chief Justice of the Su-  
12 preme Court of the United States Virgin Islands or  
13 the designee of the Chief Justice. The Chairperson  
14 shall serve as an ex officio member of the Commis-  
15 sion and shall vote only in the case of a tie.

16 (6) MEETINGS.—The Commission shall meet at  
17 the call of the Chairperson. The Commission shall  
18 meet for the first time not later than 15 days after  
19 all members have been appointed under this sub-  
20 section.

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

24 (d) REPORT; RECOMMENDATIONS.—The Commission  
25 shall transmit a report to the Governor, the Committee

1 on Natural Resources of the House of Representatives and  
2 the Committee on Energy and Natural Resources of the  
3 Senate not later than 60 days after its first meeting. The  
4 report shall name the Commission's recommendations for  
5 candidates for nomination as Chief Financial Officer of  
6 the Virgin Islands.

7 (e) TERMINATION.—The Commission shall terminate  
8 upon the nomination and confirmation of the Chief Finan-  
9 cial Officer.

10 **SEC. 3. DEFINITIONS.**

11 For the purposes of this Act, the following definitions  
12 apply:

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

18 (2) COMMISSION.—The term “Commission”  
19 means the Virgin Islands Chief Financial Officer  
20 Search Commission established pursuant to section  
21 2.

22 (3) GOVERNOR.—The term “Governor” means  
23 the Governor of the Virgin Islands.

24 (4) REMOVAL FOR CAUSE.—The term “removal  
25 for cause” means removal based upon misconduct,



1 failure to meet job requirements, or any grounds  
2 that a reasonable person would find grounds for dis-  
3 charge.

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