

108TH CONGRESS  
1ST SESSION

# H. R. 3589

To create the Office of Chief Financial Officer of the Government of the  
Virgin Islands.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2003

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

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## A BILL

To create the Office of Chief Financial Officer of the  
Government of the Virgin Islands.

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 not later than 90 days after receiving the list  
4 pursuant to section 2(d), the Governor shall appoint  
5 from such list a Chief Financial Officer on an acting  
6 basis until the Legislature consents to a Chief Fi-  
7 nancial 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 Secretary of the  
12 Interior shall appoint from the names on the list  
13 submitted under section 2(d), an Acting Chief Fi-  
14 nancial Officer to serve in that capacity until a Chief  
15 Financial Officer is appointed under the first sen-  
16 tence of paragraph (1).

17 (b) TRANSFER OF FUNCTIONS.—

18 (1) IN GENERAL.—Upon the appointment of a  
19 Chief Financial Officer under subsection (a), the  
20 functions of the Director of the Office of Manage-  
21 ment and Budget established under the laws of the  
22 Virgin Islands shall be transferred to the Chief Fi-  
23 nancial Officer.

24 (2) DOCUMENTS PROVIDED.—The head of the  
25 Department of Finance of the Virgin Islands and

1 the head of the Internal Revenue Bureau of the Vir-  
2 gin Islands shall provide all documents and informa-  
3 tion under the jurisdiction of that head that the  
4 Chief Financial Officer considers required to carry  
5 out his or her functions to the Chief Financial Offi-  
6 cer.

7 (c) DEPUTY CHIEF FINANCIAL OFFICER.—Until the  
8 date that is 5 years after the date of the enactment of  
9 this Act, the position of the Director of the Office of Man-  
10 agement and Budget of the Virgin Islands shall—

11 (1) have the duties, salary, and other conditions  
12 of the Deputy Chief Financial Officer in lieu of the  
13 duties, salary, and other conditions of the Director  
14 of the Office of Management and Budget of the Vir-  
15 gin Islands as such functions existed before the ap-  
16 pointment of the Chief Financial Officer; and

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

19 (d) CONDITIONS RELATED TO CHIEF FINANCIAL OF-  
20 FICER.—

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

23 (2) REMOVAL.—The Chief Financial Officer  
24 shall not be removed except for cause. An Acting  
25 Chief Financial Officer may be removed for cause or

1 by a Chief Financial Officer appointed with the ad-  
2 vice and consent of the Legislature of the Virgin Is-  
3 lands.

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

9 (4) SALARY.—The Chief Financial Officer shall  
10 be paid at a salary to be determined by the Governor  
11 of the Virgin Islands, except such rate may not ex-  
12 ceed the rate of pay for a cabinet officer of the Gov-  
13 ernment of the Virgin Islands.

14 (e) CONDITIONS RELATED TO DEPUTY CHIEF FI-  
15 NANCIAL OFFICER.—

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

19 (2) REPLACEMENT.—If the Deputy Chief Fi-  
20 nancial Officer is unable to continue acting in that  
21 capacity due to removal, illness, death, or otherwise,  
22 another person shall be selected by the Chief Finan-  
23 cial Officer to serve as Deputy Chief Financial Offi-  
24 cer.

1           (3) SALARY.—The Deputy Chief Financial Offi-  
2           cer shall be paid at a salary to be determined by the  
3           Chief Financial Officer, except such rate may not  
4           exceed the rate of pay for a cabinet officer of the  
5           Government of the Virgin Islands.

6           (f) RESUMPTION OF FUNCTIONS.—On the date that  
7           is 5 years after the date of the enactment of this Act,  
8           the functions of the Chief Financial Officer shall be trans-  
9           ferred to the Director of the Office of Management and  
10          Budget of the Virgin Islands.

11          (g) SUNSET.—This section shall cease to have effect  
12          after the date that is 5 years after the date of the enact-  
13          ment of this Act.

14          **SEC. 2. ESTABLISHMENT OF COMMISSION.**

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

18          (b) DUTY OF COMMISSION.—The Commission shall  
19          recommend to the Governor 3 candidates for nomination  
20          as Chief Financial Officer of the Virgin Islands. Each can-  
21          didate must be a certified public accountant and must  
22          have demonstrated ability in general management of,  
23          knowledge of, and extensive practical experience in large  
24          governmental or business entities.

25          (c) MEMBERSHIP.—

1           (1) NUMBER AND APPOINTMENT.—The Com-  
2 mission shall be composed of 7 members appointed,  
3 not later than 30 days after the date of the enact-  
4 ment of this Act, as follows:

5           (A) 1 individual appointed by the Governor  
6 of the Virgin Islands.

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

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

13           (D) 1 individual appointed by the joint  
14 Chambers of Commerce of St. Thomas-St. John  
15 and St. Croix.

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

18           (F) 1 individual appointed by the Chief  
19 Judge of the Virgin Islands Territorial Court.

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

23           (2) TERMS.—

24           (A) IN GENERAL.—Each member shall be  
25 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 Secretary of the Interior or  
12          his or her designee and shall serve as an ex officio  
13          member of the Commission.

14          (6) MEETINGS.—The Commission shall meet at  
15          the call of the Chairperson. The Commission shall  
16          meet for the first time not later than 30 days after  
17          all members have been appointed under this sub-  
18          section.

19          (d) REPORT; RECOMMENDATIONS.—The Commission  
20          shall transmit a report to the Governor and the Secretary  
21          of the Interior not later than 60 days after its first meet-  
22          ing. The report shall name the Commission's recommenda-  
23          tions for candidates for nomination as Chief Financial Of-  
24          ficer of the Virgin Islands. If the Commission fails to  
25          make such recommendations within 60 days after its first

1 meeting, the Secretary of the Interior shall independently  
2 make these recommendations to the Governor not later  
3 than 90 days after the Commission's first meeting.

4 (e) TERMINATION.—The Commission shall terminate  
5 60 days after its first meeting.

6 **SEC. 3. FINANCIAL MANAGEMENT SYSTEM.**

7 Not later than 1 year after the date of the enactment  
8 of this Act, the Secretary of the Interior shall provide a  
9 financial management system, including appropriate com-  
10 puter hardware and software, to the Government of the  
11 Virgin Islands. The financial management system shall be  
12 available to the Chief Financial Officer and, after the date  
13 that is 5 years after the date of the enactment of this  
14 Act, the Director of the Office of Management and Budget  
15 of the Virgin Islands, to assist the Chief Financial Officer  
16 or the Director of the Office of Management and Budget  
17 of the Virgin Islands, as the case may be, to carry out  
18 the official duties of that office.

19 **SEC. 4. DEFINITIONS.**

20 For the purposes of this Act, the following definitions  
21 apply:

22 (1) CHIEF FINANCIAL OFFICER.—In sections 1  
23 and 2, the term “Chief Financial Officer” means a  
24 Chief Financial Officer or Acting Chief Financial

1       Officer, as the case may be, appointed under section  
2       1(a).

3           (2) COMMISSION.—The term “Commission”  
4       means the Virgin Islands Chief Financial Officer  
5       Search Commission established pursuant to section  
6       2.

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

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