

[COMMITTEE PRINT]

FEBRUARY 25, 1967

Calendar No.

90TH CONGRESS
1ST SESSION

S. 450

[Report No.]

IN THE SENATE OF THE UNITED STATES

JANUARY 17 (legislative day, JANUARY 12), 1967

Mr. JACKSON (for himself and Mr. BURDICK) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

FEBRUARY , 1967

Reported by Mr. _____, with amendments

[Omit the part struck through and insert the part printed in italics]

A BILL

To provide for the popular election of the Governor 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 That effective on the date of enactment of this Act section 7 (a)
4 of the Revised Organic Act of the Virgin Islands (68 Stat.
5 497, 500; 48 U.S.C. 1572 (a)), as amended, is amended
6 to read as follows:

7 “(a) Regular sessions of the legislature shall be held
8 annually, commencing on the second Monday in January

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1 (unless the legislature shall by law fix a different date),
2 and shall continue for such term as the legislature may
3 provide. The Governor may call special sessions of the
4 legislature at any time when in his opinion the public
5 interest may require it. No legislation shall be considered
6 at any special session other than that specified in the call
7 therefor or in any special message by the Governor to the
8 legislature while in such session. All sessions of the legis-
9 lature shall be open to the public.”

10 SEC. 2. Effective on the date of enactment of this Act,
11 section 9, subsection (a) of the Revised Organic Act of the
12 Virgin Islands (68 Stat. 497, 501; 48 U.S.C. 1575 (a)) is
13 amended by deleting the first sentence and by substituting
14 therefor the following: “The quorum of the legislature shall
15 consist of eight of its members.”

16 SEC. 3. Section 9, subsection (d), of the Revised Or-
17 ganic Act of the Virgin Islands (68 Stat. 497, 502; 48
18 U.S.C. 1575 (d)) is amended by deleting its sixth, seventh,
19 eighth, ninth, and tenth sentences and by substituting there-
20 for the following: “If, after such reconsideration, two-thirds
21 of all the members of the legislature pass the bill, it shall be
22 a law.”

23 SEC. 4. Section 11 of the Revised Organic Act of the

1 Virgin Islands (68 Stat. 497, 503; 48 U.S.C. 1591) is
2 amended to read as follows:

3 "SEC. 11. The executive power of the Virgin Islands
4 shall be vested in an executive officer whose official title
5 shall be the 'Governor of the Virgin Islands'. The Gov-
6 ernor of the Virgin Islands, together with the Lieutenant
7 Governor, shall be elected by a majority of the votes cast
8 by the people who are qualified to vote for the members of
9 the legislature of the Virgin Islands. The Governor and
10 Lieutenant Governor shall be chosen jointly, by the casting
11 by each voter of a single vote applicable to both offices. If
12 no candidates receive a majority of the votes cast in any
13 election, on the fourteenth day thereafter a runoff election
14 shall be held between the candidates for Governor and
15 Lieutenant Governor receiving the highest and second high-
16 est number of votes cast. The first election for Governor and
17 Lieutenant Governor shall be held on November 3, 1970.
18 Thereafter, beginning with the year 1974, the Governor and
19 Lieutenant Governor shall be elected every four years at
20 the general election. The Governor and Lieutenant Gov-
21 ernor shall hold office for a term of four years and until their
22 successors are elected and qualified. No person who has
23 been elected Governor for two full successive terms shall be

1 again eligible to hold that office until one full term has in-
2 tervened. The term of the elected Governor and Lieutenant
3 Governor shall commence on the first Monday of January
4 following the date of election.

5 "No person shall be eligible for election to the office of
6 Governor or Lieutenant Governor unless he is able to read
7 and write the English language, is and has been for five
8 consecutive years immediately preceding the election a
9 citizen of the United States and a bona fide resident of the
10 Virgin Islands and will be, at the time of taking office, at
11 least thirty years of age. The Governor shall maintain his
12 official residence in the Government House on Saint Thomas
13 during his incumbency, which house together with land ap-
14 purtenant thereto is hereby transferred to the government
15 of the Virgin Islands. While in Saint Croix the Governor
16 may reside in Government House on Saint Croix free of
17 rent.

18 "The Governor shall have general supervision and con-
19 trol of all the departments, bureaus, agencies, and other in-
20 strumentalities of the executive branch of the government of
21 the Virgin Islands. He may grant pardons and reprieves
22 and remit fines and forfeitures for offenses against local laws.
23 He may veto any legislation as provided in this Act. He
24 shall appoint, and may remove, all officers and employees of
25 the executive branch of the government of the Virgin Is-

1 lands, except as otherwise provided in this or any other Act
2 of Congress, or under the laws of the Virgin Islands, and
3 shall commission all officers that he may be authorized to
4 appoint. He shall be responsible for the faithful execution
5 of the laws of the Virgin Islands and the laws of the United
6 States applicable in the Virgin Islands. Whenever it be-
7 comes necessary, in case of disaster, invasion, insurrection, or
8 rebellion or imminent danger thereof, or to prevent or sup-
9 press lawless violence, he may summon the posse comitatus
10 or call out the militia or request assistance of the senior
11 military or naval commander of the Armed Forces of the
12 United States in the Virgin Islands or Puerto Rico, which
13 may be given at the discretion of such military commander
14 if not disruptive of, or inconsistent with, his Federal respon-
15 sibilities. He may, in case of rebellion or invasion or im-
16 minent danger thereof, when the public safety requires it,
17 proclaim the islands, insofar as they are under the jurisdic-
18 tion of the government of the Virgin Islands, to be under
19 martial law. The members of the legislature shall meet
20 forthwith on their own initiative and may, by a two-thirds
21 vote, revoke such proclamation.

22 "The Governor shall make to the Secretary of the In-
23 terior under section 30 of this Act an annual report of the
24 transactions of the government of the Virgin Islands for

1 transmission to the Congress and such other reports at such
2 other times as may be required by the Congress or under
3 applicable Federal law. He shall have the power to issue
4 executive orders and regulations not in conflict with any
5 applicable law. He may recommend bills to the legislature
6 and give expression to his views on any matter before
7 that body.

8 "There is hereby established the office of Lieutenant
9 Governor of the Virgin Islands. The Lieutenant Governor
10 shall have such executive powers and perform such duties
11 as may be assigned to him by the Governor or prescribed by
12 this Act or under the laws of the Virgin Islands."

13 SEC. 5. Section 12 of the Revised Organic Act of the
14 Virgin Islands (68 Stat. 497, 503; 48 U.S.C. 1593)
15 is deleted and replaced by the following new provision, also
16 designated section 12:

17 "SEC. 12. Any Governor or ~~Acting~~ Governor of the
18 Virgin Islands may be removed from office by the people
19 registered to vote in the Virgin Islands if: ~~(a)~~ if 75 per cen-
20 tum of the persons registered to vote shall vote in favor of
21 recall at a referendum election, *election*; and ~~(b)~~ the removal
22 of the ~~Governor or Acting~~ Governor is approved by the
23 President of the United States. The referendum may be
24 initiated by the Legislature of the Virgin Islands, following
25 a two-thirds vote of the members of the legislature in favor

1 of a referendum, or by a petition to the legislature of 25 per
2 centum of the people registered to vote in the Virgin
3 Islands.”

4 SEC. 6. Effective on the date of enactment of this Act
5 section 13 of the Revised Organic Act of the Virgin Islands
6 (68 Stat. 497, 503; 48 U.S.C. 1594) is hereby repealed.

7 SEC. 7. (a) Section 14 of the Revised Organic Act of
8 the Virgin Islands (68 Stat. 497, 504; 48 U.S.C. 1595),
9 is amended to read as follows:

10 “SEC. 14. (a) In case of the temporary disability or
11 temporary absence of the Governor, the Lieutenant Gover-
12 nor shall have the powers of the Governor.

13 “(b) In case of a permanent vacancy in the office of
14 Governor, arising by reason of the death, resignation, removal
15 by recall or permanent disability of the Governor, or the
16 death, resignation or permanent disability of a Governor-
17 elect, or for any other reason, the Lieutenant Governor or
18 Lieutenant Governor-elect shall become the Governor, to
19 hold office for the unexpired term and until his successor
20 shall have been duly elected and qualified at the next regular
21 election for Governor.

22 “(c) In case of the temporary disability or temporary
23 absence of the Lieutenant Governor, or during any period
24 when the Lieutenant Governor is acting as Governor, the
25 President of the Legislature shall act as Lieutenant Governor.

1 “(d) In case of a permanent vacancy in the office of
2 Lieutenant Governor, arising by reason of the death, resig-
3 nation, ~~removal by recall~~, or permanent disability of the
4 Lieutenant Governor, or because the Lieutenant Governor
5 or Lieutenant Governor-elect has succeeded to the office of
6 Governor, the Governor shall appoint a new Lieutenant
7 Governor, with the advice and consent of the legislature,
8 to hold office for the unexpired term and until his successor
9 shall have been duly elected and qualified at the next regular
10 election for Lieutenant Governor.

11 “(e) In case of the temporary disability or temporary
12 absence of both the Governor and the Lieutenant Governor,
13 the powers of the Governor shall be exercised, as Acting
14 Governor, by such person as the laws of the Virgin Islands
15 may prescribe. In case of a permanent vacancy in the
16 offices of both the Governor and Lieutenant Governor, the
17 office of Governor shall be filled for the unexpired term in
18 the manner prescribed by the laws of the Virgin Islands.”

19 “(f) No additional compensation shall be paid to any
20 person acting as Governor or Lieutenant Governor who does
21 not also assume the office of Governor or Lieutenant Gov-
22 ernor under the provisions of this Act.”

23 (b) Section 15 of the Revised Organic Act of the
24 Virgin Islands (68 Stat. 497, 504; 48 U.S.C. 1596), is
25 repealed.

1 SEC. 8. Subsection (a) of section 16 of the Revised
2 Organic Act of the Virgin Islands, as amended (68 Stat.
3 497, 504; 48 U.S.C. 1597 (a)), is amended by deleting
4 therefrom the last sentence.

5 SEC. 9. (a) Effective on the date of the enactment of this
6 Act, section 17, subsection (c), of the Revised Organic Act
7 of the Virgin Islands (68 Stat. 497, 504; 48 U.S.C. 1599
8 (c)) is amended to read as follows: “ (c) It shall be the duty
9 of the government comptroller to bring to the attention of the
10 Secretary of the Interior and the Governor of the Virgin
11 Islands all failures to collect amounts due the government,
12 and expenditures of funds or uses of property which are
13 irregular, unnecessary, or not pursuant to law. The audit
14 activities of the government comptroller shall be directed so
15 as to (1) improve the efficiency and economy of programs
16 of the Government of the Virgin Islands and (2) discharge
17 the responsibility incumbent upon the Congress to insure that
18 the substantial federal revenues which are covered into the
19 treasury of the Government of the Virgin Islands are prop-
20 erly accounted for and audited.”

21 (b) Effective on the date of enactment of this Act sec-
22 tion 17, subsection (f), of the Revised Organic Act of the
23 Virgin Islands (68 Stat. 497, 505; 48 U.S.C. 1599 (f)), as
24 amended, is amended to read as follows: “ (f) If the Gover-
25 nor does not concur in the taking of an appeal to the Secre-

1 tary, the party aggrieved may seek relief by suit in the Dis-
2 trict Court of the Virgin Islands if the claim is otherwise
3 within its jurisdiction. No later than thirty days following
4 the date of the decision of the Secretary of the Interior, the
5 party aggrieved or the Governor, on behalf of the head of the
6 department concerned, may seek relief by suit in the District
7 Court of the Virgin Islands if the claim is otherwise within
8 its jurisdiction."

9 (c) Effective on the date of enactment of this Act
10 section 17, subsection (h), of the Revised Organic Act of
11 the Virgin Islands (68 Stat. 497, 505; 48 U.S.C. 1599 (h))
12 is amended to read as follows: "(h) As soon after the close
13 of each fiscal year as the accounts of said fiscal year may be
14 examined and adjusted, the government comptroller shall
15 submit to the Governor of the Virgin Islands, the President
16 of the Senate, and the Speaker of the House of Representa-
17 tives an annual report of the fiscal condition of the govern-
18 ment, showing the receipts and disbursements of the various
19 departments and agencies of the government."

20 (d) Effective July 1, 1967, a new subsection (k) is
21 added to section 17 of the Revised Organic Act of the Virgin
22 Islands (68 Stat. 497, 505; 48 U.S.C. 1599) to read as
23 follows: "(k) The salary of the government comptroller and
24 the expenses of his office shall be paid by the United States
25 from funds derived by transfer from the internal revenue

1 collections appropriated for the Virgin Islands, but such
2 salary and expenses shall not exceed such amounts as may
3 be specified annually in Federal appropriation acts.”

4 (e) Effective on the date of enactment of this Act a new
5 subsection (l) is added to section 17 of the Revised Organic
6 Act of the Virgin Islands (68 Stat. 497, 505; 48 U.S.C.
7 1599) to read as follows: “(l) All departments, agencies
8 and establishments shall furnish to the government comp-
9 troller such information regarding the powers, duties, activi-
10 ties, organization, financial transactions, and methods of
11 business of their respective offices as he may from time to time
12 require of them; and the government comptroller, or any of
13 his assistants or employees, when duly authorized by him,
14 shall, for the purpose of securing such information, have
15 access to and the right to examine any books, documents,
16 papers, or records of any such department, agency or estab-
17 lishment.”

18 SEC. 10. Section 20 of the Revised Organic Act of the
19 Virgin Islands (68 Stat. 497, 505; 48 U.S.C. 1592, 1598,
20 1641), as amended, is amended to read as follows:

21 “SEC. 20. The salaries and travel allowances of the
22 Governor, Lieutenant Governor, the heads of the executive
23 departments, other officers and employees of the government
24 of the Virgin Islands and the members of the legislature,

1 shall be paid by the government of the Virgin Islands at rates
2 prescribed by the laws of the Virgin Islands."

3 SEC. 11. Effective on the date of enactment of this Act,
4 section 3 of the Revised Organic Act of the Virgin Islands
5 (68 Stat. 497; 48 U.S.C. 1561) is amended by adding at
6 the end thereof the following new paragraph:

7 "The provisions of ~~paragraph~~ *clause* 1 of section 2 of
8 article IV and section 1 of amendment XIV of the Con-
9 stitution of the United States shall have the same force and
10 effect within the unincorporated territory of the Virgin
11 Islands as in the United States or in any State of the United
12 States."

13 SEC. 12. Effective on the date of enactment of this Act,
14 chapter 15 of the General Military Law (70A Stat. 15, 16;
15 10 U.S.C. 331-334) is amended by adding at the end thereof
16 the following new section 336:

17 "SEC. 336. For the purposes of this chapter, 'State'
18 includes the unincorporated territory of the Virgin Islands."

19 SEC. 13. Section 2 of the Revised Organic Act of the
20 Virgin Islands (68 Stat. 497; 48 U.S.C. 1541) is amended
21 by adding at the end thereof the following new subsection (c):

22 "(c) The relations between such government and the
23 Federal Government in all matters not the program responsi-
24 bility of another Federal department or agency, shall be

1 *under the general administrative supervision of the Secre-*
2 *tary of the Interior.”*

3 *SEC. 14. Effective on the date of enactment of this Act,*
4 *section 19 of the Revised Organic Act of the Virgin Islands*
5 *(68 Stat. 505; 48 U.S.C. 1632) is amended by deleting the*
6 *word “annually”.*

7 ~~SEC. 13.~~ 15. Those provisions necessary to authorize the
8 holding of an election for Governor and Lieutenant Governor
9 on November 3, 1970, shall be effective on January 1, 1970.”
10 All other provisions of this Act, unless otherwise expressly
11 provided herein, shall be effective January 4, 1971.

12 ~~SEC. 14.~~ 16. This Act may be cited as the “Virgin
13 Islands Elective Governor Act”.

[COMMITTEE PRINT]

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By Mr. JACKSON and Mr. BURDICK

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