

Public Law 90-496

AN ACT

To provide for the popular election of the Governor of the Virgin Islands, and for other purposes.

August 23, 1968
[S. 450]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, effective on the date of enactment of this Act, section 7(a) of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 500; 48 U.S.C. 1573(a)), as amended, is amended to read as follows:

Virgin Islands
Elective Governor
Act.

73 Stat. 569.

“(a) Regular sessions of the legislature shall be held annually, commencing on the second Monday in January (unless the legislature shall by law fix a different date), and shall continue for such term as the legislature may provide. The Governor may call special sessions of the legislature at any time when in his opinion the public interest may require it. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session. All sessions of the legislature shall be open to the public.”

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

SEC. 3. Section 9, subsection (d), of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 502; 48 U.S.C. 1575(d)) is amended by deleting its fifth, sixth, seventh, eighth, ninth, and tenth sentences and by substituting therefor the following: “When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and, upon motion of a member of the legislature, proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature pass the bill, it shall be a law.”

SEC. 4. Section 11 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 503; 48 U.S.C. 1591) is amended to read as follows:

“SEC. 11. The executive power of the Virgin Islands shall be vested in an executive officer whose official title shall be the ‘Governor of the Virgin Islands’. The Governor of the Virgin Islands, together with the Lieutenant Governor, shall be elected by a majority of the votes cast by the people who are qualified to vote for the members of the legislature of the Virgin Islands. The Governor and Lieutenant Governor shall be chosen jointly, by the casting by each voter of a single vote applicable to both officers. If no candidates receive a majority of the votes cast in any election, on the fourteenth day thereafter a run-off election shall be held between the candidates for Governor and Lieutenant Governor receiving the highest and second highest number of votes cast. The first election for Governor and Lieutenant Governor shall be held on November 3, 1970. Thereafter, beginning with the year 1974, the Governor and Lieutenant Governor shall be elected every four years at the general election. The Governor and Lieutenant Governor shall hold office for a term of four years and until their successors are elected and qualified. No person who has been elected Governor for two full successive terms shall be again eligible to hold that office until one full term has intervened. The term of the elected Governor and Lieutenant Governor shall commence on the first Monday of January following the date of election.

Governor.

Election.

Term of office.

“No person shall be eligible for election to the office of Governor or Lieutenant Governor unless he is an eligible voter and has been for five

Qualifications.

consecutive years immediately preceding the election a citizen of the United States and a bona fide resident of the Virgin Islands and will be, at the time of taking office, at least thirty years of age. The Governor shall maintain his official residence in the Government House on Saint Thomas during his incumbency, which house, together with land appurtenant thereto, is hereby transferred to the government of the Virgin Islands. While in Saint Croix the Governor may reside in Government House on Saint Croix free of rent.

Powers.

"The Governor shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against local laws. He may veto any legislation as provided in this Act. He shall appoint, and may remove, all officers and employees of the executive branch of the government of the Virgin Islands, except as otherwise provided in this or any other Act of Congress, or under the laws of the Virgin Islands, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Virgin Islands and the laws of the United States applicable in the Virgin Islands. Whenever it becomes necessary, in case of disaster, invasion, insurrection, or rebellion or imminent danger thereof, or to prevent or suppress lawless violence, he may summon the posse comitatus or call out the militia or request assistance of the senior military or naval commander of the Armed Forces of the United States in the Virgin Islands or Puerto Rico, which may be given at the discretion of such commander if not disruptive of, or inconsistent with, his Federal responsibilities. He may, in case of rebellion or invasion or imminent danger thereof, when the public safety requires it, proclaim the islands, insofar as they are under the jurisdiction of the government of the Virgin Islands, to be under martial law. The members of the legislature shall meet forthwith on their own initiative and may, by a two-thirds vote, revoke such proclamation.

Reports.

68 Stat. 509.
48 USC 1544.

"The Governor shall make to the Secretary of the Interior under section 30 of this Act an annual report of the transactions of the government of the Virgin Islands for transmission to the Congress and such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall have the power to issue executive orders and regulations not in conflict with any applicable law. He may recommend bills to the legislature and give expression to his views on any matter before that body.

Lieutenant Governor.

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

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

Removal of Governor from office.

"SEC. 12. Any Governor of the Virgin Islands may be removed from office by a referendum election in which at least two-thirds of the number of persons voting for Governor in the last preceding general election at which a Governor was elected vote in favor of recall and in which those so voting constitute a majority of all those participating in the referendum election. The referendum election shall be initiated by the legislature of the Virgin Islands following (a) a two-thirds vote of the members of the legislature in favor of a referendum, or (b) a petition for such a referendum to the legislature by registered voters equal in number to at least 50 per centum of the whole number

of votes cast for Governor at the last general election at which a Governor was elected preceding the filing of the petition.”

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

Repeal.

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

“SEC. 14. (a) In case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor.

Vacancy in office; line of succession.

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

“(c) In case of the temporary disability or temporary absence of the Lieutenant Governor, or during any period when the Lieutenant Governor is acting as Governor, the president of the legislature shall act as Lieutenant Governor.

“(d) In case of a permanent vacancy in the office of Lieutenant Governor, arising by reason of the death, resignation, or permanent disability of the Lieutenant Governor, or because the Lieutenant Governor or Lieutenant Governor-elect has succeeded to the office of Governor, the Governor shall appoint a new Lieutenant Governor, with the advice and consent of the legislature, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Lieutenant Governor.

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

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

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

Repeal.

SEC. 8. (a) Subsection (a) of section 16 of the Revised Organic Act of the Virgin Islands, as amended (68 Stat. 497, 504; 48 U.S.C. 1597(a)), is further amended by deleting therefrom the last sentence and inserting in lieu thereof the following sentence: “Members of school boards, which entities of government have been duly organized and established by the government of the Virgin Islands, shall be popularly elected.”

73 Stat. 569.

(b) Subsection (c) of section 6 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 499; 48 U.S.C. 1572(c)), is amended by changing the period to a colon and inserting the following: “*Provided, however,* That members of boards of elections, which entities of government have been duly organized and established by the government of the Virgin Islands, shall be popularly elected.”

SEC. 9. Effective on the date of the enactment of this Act, section 17 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 504; 48 U.S.C. 1599) is amended to read as follows:

Comptroller.

"SEC. 17. (a) The Secretary of the Interior shall appoint in the Department of the Interior a government comptroller for the Virgin Islands who shall be under the general supervision of the Secretary of the Interior and shall not be a part of any executive department in the government of the Virgin Islands, and whose salary and expenses of office shall be paid by the United States from funds derived by transfer from the internal revenue collections appropriated for the Virgin Islands. Sixty days prior to the effective date of transfer or removal of the government comptroller, the Secretary shall communicate to the President of the Senate and the Speaker of the House of Representatives his intention to so transfer or remove the government comptroller and his reasons therefor.

Duties.

"(b) The government comptroller shall audit all accounts and review and recommend adjudication of claims pertaining to the revenue and receipts of the government of the Virgin Islands and of funds derived from bond issues, and he shall audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands, including those pertaining to trust funds held by the government of the Virgin Islands.

"(c) It shall be the duty of the government comptroller to bring to the attention of the Secretary of the Interior and the Governor of the Virgin Islands all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law. The audit activities of the government comptroller shall be directed so as to (1) improve the efficiency and economy of programs of the government of the Virgin Islands, and (2) discharge the responsibility incumbent upon the Congress to insure that the substantial Federal revenues which are covered into the treasury of the government of the Virgin Islands are properly accounted for and audited.

"(d) It shall be the duty of the government comptroller to certify to the Secretary of the Interior the net amount of government revenues which form the basis for Federal grants for the civil government of the Virgin Islands.

"(e) The decisions of the government comptroller shall be final except that appeal therefrom may, with the concurrence of the Governor, be taken by the party aggrieved or the head of the department concerned, within one year from the date of the decision, to the Secretary of the Interior, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken, with the reasons and the authorities relied upon for reversing such decision.

"(f) If the Governor does not concur in the taking of an appeal to the Secretary, the party aggrieved may seek relief by suit in the District Court of the Virgin Islands if the claim is otherwise within its jurisdiction. No later than thirty days following the date of the decision of the Secretary of the Interior, the party aggrieved or the Governor, on behalf of the head of the department concerned, may seek relief by suit in the District Court of the Virgin Islands if the claim is otherwise within its jurisdiction.

"(g) The government comptroller is authorized to communicate directly with any person or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

“(h) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of the Virgin Islands and the Secretary of the Interior an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government. The Secretary of the Interior shall submit such report along with his comments and recommendations to the President of the Senate and the Speaker of the House of Representatives.

Fiscal reports.

“(i) The government comptroller shall make such other reports as may be required by the Governor of the Virgin Islands, the Comptroller General of the United States, or the Secretary of the Interior.

“(j) The office and activities of the government comptroller of the Virgin Islands shall be subject to review by the Comptroller General of the United States, and reports thereon shall be made by him to the Governor, the Secretary of the Interior, President of the Senate, and the Speaker of the House of Representatives.

GAO review and reports.

“(k) All departments, agencies, and establishments shall furnish to the government comptroller such information regarding the powers, duties, activities, organizations, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the government comptroller, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department, agency, or establishment.”

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

“SEC. 20. The salaries and travel allowances of the Governor, Lieutenant Governor, the heads of the executive departments, other officers and employees of the government of the Virgin Islands, and the members of the legislature shall be paid by the government of the Virgin Islands at rates prescribed by the laws of the Virgin Islands.”

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

Privileges and immunities provisions, etc.
72 Stat. 1094.

“The following provisions of and amendments to the Constitution of the United States are hereby extended to the Virgin Islands to the extent that they have not been previously extended to that territory and shall have the same force and effect there as in the United States or in any State of the United States: article I, section 9, clauses 2 and 3; article IV, section 1 and section 2, clause 1; the first to ninth amendments inclusive; the thirteenth amendment; the second sentence of section 1 of the fourteenth amendment; and the fifteenth and nineteenth amendments: *Provided, however,* That all offenses shall continue to be prosecuted in the district court by information as heretofore, except such as may be required by local law to be prosecuted by indictment by grand jury.

“All laws enacted by Congress with respect to the Virgin Islands and all laws enacted by the territorial legislature of the Virgin Islands which are inconsistent with the provisions of this subsection are repealed to the extent of such inconsistency.”

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

Insurrection laws, applicability.

“SEC. 336. For the purposes of this chapter, ‘State’ includes the unincorporated territory of the Virgin Islands.”

“State.”

Interior Department authority.

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

“(c) The relations between such government and the Federal Government in all matters not the program responsibility of another Federal department or agency shall be under the general administrative supervision of the Secretary of the Interior.”

Repeal.

SEC. 14. Effective on the date of enactment of this Act, section 19 of the Revised Organic Act of the Virgin Islands (68 Stat. 505; 48 U.S.C. 1632) is hereby repealed.

SEC. 15. Effective on the date of enactment of this Act, section 8(b) (i) of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 500; 48 U.S.C. 1574(b)), as amended, is further amended by (a) deleting the third and fourth sentences thereof, and (b) by deleting the eighth and ninth sentences thereof and substituting in lieu thereof the following sentence: “The bonds so issued shall bear interest at a rate not to exceed that specified by the legislature, payable semiannually.”

Effective date.

SEC. 16. Those provisions of this Act necessary to authorize the holding of an election for Governor and Lieutenant Governor on November 3, 1970, shall be effective on January 1, 1970. All other provisions of this Act, unless otherwise expressly provided herein, shall be effective January 4, 1971.

Short title.

SEC. 17. This Act may be cited as the “Virgin Islands Elective Governor Act”.

Approved August 23, 1968.

Public Law 90-497

AN ACT

September 11, 1968
[S. 449]

To provide for the popular election of the Governor of Guam, and for other purposes.

Guam Elective Governor Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Organic Act of Guam (64 Stat. 384, 386; 48 U.S.C. 1422), is amended to read as follows:

“SEC. 6. The executive power of Guam shall be vested in an executive officer whose official title shall be the ‘Governor of Guam’. The Governor of Guam, together with the Lieutenant Governor, shall be elected by a majority of the votes cast by the people who are qualified to vote for the members of the Legislature of Guam. The Governor and Lieutenant Governor shall be chosen jointly, by the casting by each voter of a single vote applicable to both offices. If no candidates