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Senate Moves Too Slowly, Says Bryan, Defending Unilateral Decision To Pay VITOL With Money From General Fund

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Governor Albert Bryan, Jr.

“If I was doing what I really wanted to, we could have taken all the funding from WAPA and the light bill would have gone to 63 cents a kilowatt hour.” That was Governor Albert Bryan Jr., responding to questions about the executive branch’s decision to take \$45 million from the general fund in order to meet a looming payment deadline on behalf of the territory’s Water and Power Authority.

During an exclusive interview with the Consortium, the governor was quizzed about the use of money from the territory’s general fund without explicit authorization from the Legislature, a

move which [infuriated](#) lawmakers. Mr. Bryan defended the action, saying that he did what was necessary to keep the negotiated settlement between WAPA and energy supplier Vitol alive. “Sometimes I wish I could not pay the \$45 million and let the lights go out for a week with no power at all, and then see what people’s reaction [would be],” he contested.

When asked why he did not reach out to senators with an urgent request for authorization, Governor Bryan said that the Legislature moves too slowly. “Everything I brought the Legislature in to do, they took 60 days,” he complained. Lawmakers, however, have often accused Government House of trying to force the issue by sending bills down with no time for adequate deliberation or consideration.

Mr. Bryan argued that by now, he should be trusted to properly steward the territory’s finances. “I think it’s insulting to me as the Governor of the Virgin Islands, [especially] after we went through Covid. People second-guessed my every move during Covid. And we...came out on top. And the reason why we came out on top is because we had to be decisive,” he declared.

“I could have declared a state of emergency and do the same thing. But I didn't do that. The legislation allows me to use any and all means to pay the \$45 million. It's not like I took \$45 million and went on my own road trip or had a good time. I paid \$45 million for people in the Virgin Islands to keep the lights on,” he continued.

Consortium founder Ernice Gilbert pressed the issue, asking why he did not in fact declare a state of emergency so as to give himself legal cover. “What people were concerned about is following the law....The whole idea here is the top of the territory following the law that everybody else must follow,” Gilbert said. When asked to provide an opinion, the Legislature’s legal office had said that the action was ultra vires, and [could attract](#) a penalty of a fine, or jail time.

Governor Bryan disagreed. “I have a whole legal opinion that we did follow the law,” he argued. “The intent of the Legislature was to create a funding pool for the governor of the Virgin Islands in order to do this.” He dismissed the Gilbert's pointing out that the funding pool was not yet available to draw down from. “It was already a done deal. It was just the semantics of signing the papers and the ink drying on the paper? If we didn't know we were going to get it, we wouldn't have done that,” Mr. Bryan said.

Governor Bryan expressed dismay that the government was not praised for being able to fund a \$45 million obligation without throwing the rest of its finances into chaos. “No one said ‘wow, the Virgin Islands government could take \$45 million of its own money and pay down a bill and not miss a payday, not miss anything, and still can pay all the tax refunds and all the other obligations that we had.’ Nobody said we must be doing really good financially, because four or five years ago, we couldn't do that. The Legislature needs to make issues because their job, it may seem, is just to criticize me.”

The discussion turned to whether or not Housing and Urban Development would in fact be reimbursing the territory for the money spent on financing WAPA’s negotiated settlement with Vitol. Governor Bryan remains confident that it's just a matter of time. “They changed the rules and the regulations to specifically allow us to do this.... The mix-up, or the confusion from my discussions is that we were paying off a debt. We're not paying off a debt, we're acquiring an asset. We're buying this propane facility. So I think that's where the confusion is. I can't use the HUD funds to pay a debt. I have to use it to acquire. We're well within the rules and regulations and I expect that that's gonna happen.”

HUD, said Governor Bryan, was well aware of how critical the territory's energy needs currently were. "What's probably going to happen is they're going to probably issue it....They know that energy affects everything in the Virgin Islands."

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