

Union Calendar No. 323

110TH CONGRESS
2^D SESSION

H. R. 1143

[Report No. 110-532]

To authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2007

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

FEBRUARY 28, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 16, 2007]

A BILL

To authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, 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. DEFINITIONS.**

4 *In this Act, the following definitions apply:*

1 (1) *SECRETARY.*—The term “Secretary” means
2 the Secretary of the Interior.

3 (2) *RUE.*—The term “RUE” means the retained
4 use estate entered into by the Jackson Hole Preserve
5 and the United States on September 30, 1983.

6 (3) *PARK.*—The term “park” means Virgin Is-
7 lands National Park.

8 (4) *CBI.*—The term “CBI” means CBI Acquisi-
9 tions, LLC.

10 (5) *RESORT.*—The term “Resort” means Caneel
11 Bay Resort on the island of St. John in Virgin Is-
12 lands National Park.

13 **SEC. 2. LEASE AGREEMENT.**

14 (a) *AUTHORIZATION.*—The Secretary may enter into
15 a lease agreement with CBI governing the use of property
16 for the continued management and operation of the Resort.

17 (b) *ADDITIONAL LANDS.*—Any lease entered into pur-
18 suant to this Act shall include the property covered by the
19 RUE and any associated property owned by CBI donated
20 to the National Park Service.

21 (c) *TERMS.*—The lease agreement authorized under
22 subsection (a) shall—

23 (1) require that operations and maintenance of
24 the Resort are conducted in a manner consistent with
25 the preservation and conservation of the resources and

1 *values of the Park as well as the best interests of the*
2 *Resort;*

3 *(2) be for the minimum number of years prac-*
4 *ticable to enable the lessee to secure financing for any*
5 *necessary improvements to the Resort, taking into ac-*
6 *count the financial obligations of CBI, but in any*
7 *event shall not exceed 40 years;*

8 *(3) prohibit any transfer, assignment or sale of*
9 *the lease or otherwise convey or pledge any interest in*
10 *the lease without prior written notification to and ap-*
11 *proval by the Secretary;*

12 *(4) prohibit any increase in the number of guest*
13 *accommodations available at the Resort;*

14 *(5) prohibit any increase in the overall size of*
15 *the Resort;*

16 *(6) prohibit the sale of partial ownership shares*
17 *or timeshares in the Resort;*

18 *(7) be designed to facilitate transfer of all prop-*
19 *erty covered by the lease to Federal administration*
20 *upon expiration of the lease; and*

21 *(8) include any other provisions determined by*
22 *the Secretary to be necessary to protect the Park and*
23 *the public interest.*

24 *(d) APPRAISALS.—The Secretary shall require ap-*
25 *praisals to determine the fair market value of all property*

1 covered by the RUE and any property, including the value,
2 if any, of the surrendered term of the RUE, owned by CBI
3 to be donated, or otherwise conveyed, to the National Park
4 Service. Such appraisals shall be conducted pursuant to the
5 Uniform Appraisal Standards for Federal Land Acquisi-
6 tion.

7 (e) COMPENSATION.—

8 (1) IN GENERAL.—The lease authorized by this
9 Act shall—

10 (A) require payment to the United States of
11 the property's fair market value rent, taking into
12 account the value of any associated property
13 transferred by CBI as well as the value, if any,
14 of the surrendered term of the RUE;

15 (B) include a provision—

16 (i) allowing recalculation of the
17 amount of the payment required under this
18 subsection, at the request of the Secretary or
19 CBI, in the event of extraordinary unan-
20 ticipated changes in conditions anticipated
21 at the time the lease was finalized; and

22 (ii) providing for binding arbitration
23 in the event the Secretary and CBI are un-
24 able to agree upon an adjustment to the
25 payment in these circumstances.

1 (2) *DISTRIBUTION.*—*Eighty percent of the pay-*
2 *ment to the United States required by this subsection*
3 *shall be available to the Secretary, without further*
4 *appropriation, for expenditure within the Park. The*
5 *remaining twenty percent shall be deposited in the*
6 *Treasury.*

7 (3) *APPLICABILITY OF CERTAIN LAW.*—*Section*
8 *321 of the Act of June 30, 1932 (40 U.S.C. 1302), re-*
9 *lating to the leasing of buildings and property of the*
10 *United States, shall not apply to the lease entered*
11 *into by the Secretary pursuant to this Act.*

12 **SEC. 3. RETAINED USE ESTATE.**

13 *As a condition of the lease, CBI shall relinquish to the*
14 *Secretary all rights under the RUE and transfer, without*
15 *compensation, ownership of improvements covered by the*
16 *RUE to the United States.*

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