

111TH CONGRESS
1ST SESSION

H. R. 714

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

JANUARY 27, 2009

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

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. CANEEL BAY LEASE AUTHORIZATION.**

4 (a) DEFINITIONS.—In this section:

5 (1) PARK.—The term “Park” means the Virgin
6 Islands National Park.

7 (2) RESORT.—The term “resort” means the
8 Caneel Bay resort on the island of St. John in the
9 Park.

1 (3) RETAINED USE ESTATE.—The term “re-
2 tained use estate” means the retained use estate for
3 the Caneel Bay property on the island of St. John
4 entered into between the Jackson Hole Preserve and
5 the United States on September 30, 1983.

6 (4) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 (b) LEASE AUTHORIZATION.—

9 (1) IN GENERAL.—If the Secretary determines
10 that the long-term benefit to the Park would be
11 greater by entering into a lease with the owner of
12 the retained use estate than by authorizing a conces-
13 sion contract upon the termination of the retained
14 use estate, the Secretary may enter into a lease for
15 the operation and management of the resort.

16 (2) ACQUISITIONS.—The Secretary may—

17 (A) acquire associated property from the
18 owner of the retained use estate; and

19 (B) on the acquisition of property under
20 subparagraph (A), administer the property as
21 part of the Park.

22 (3) AUTHORITY.—Except as otherwise provided
23 by this section, a lease shall be in accordance with
24 subsection (k) of section 3 of Public Law 91–383

1 (16 U.S.C. 1a–2(k)), notwithstanding paragraph (2)
2 of that subsection.

3 (4) TERMS AND CONDITIONS.—A lease author-
4 ized under this section shall—

5 (A) be for the minimum number of years
6 practicable, taking into consideration the need
7 for the lessee to secure financing for necessary
8 capital improvements to the resort, but in no
9 event shall the term of the lease exceed 40
10 years;

11 (B) prohibit any transfer, assignment, or
12 sale of the lease or otherwise convey or pledge
13 any interest in the lease with prior written noti-
14 fication to, and approval by the Secretary;

15 (C) ensure that the general character of
16 the resort property remains unchanged, includ-
17 ing a prohibition against—

18 (i) any increase in the overall size of
19 the resort; or

20 (ii) any increase in the number of
21 guest accommodations available at the re-
22 sort;

23 (D) prohibit the sale of partial ownership
24 shares or timeshares in the resort; and

1 (E) include any other provisions deter-
2 mined by the Secretary to be necessary to pro-
3 tect the Park and the public interest.

4 (5) RENTAL AMOUNTS.—In determining the
5 fair market value rental of the lease required under
6 section 3(k)(4) of Public Law 91–383 (16 U.S.C.
7 1a–2(k)(4)), the Secretary shall take into consider-
8 ation—

9 (A) the value of any associated property
10 conveyed to the United States; and

11 (B) the value, if any, of the relinquished
12 term of the retained use estate.

13 (6) USE OF PROCEEDS.—Rental amounts paid
14 to the United States under a lease shall be available
15 to the Secretary, without further appropriation, for
16 visitor services and resource protection within the
17 Park.

18 (7) CONGRESSIONAL NOTIFICATION.—The Sec-
19 retary shall submit a proposed lease under this sec-
20 tion to the Committee on Energy and Natural Re-
21 sources of the Senate and the Committee on Natural
22 Resources of the House of Representatives at least
23 60 days before the effective date of the lease.

24 (8) RENEWAL.—A lease entered into under this
25 section may not be extended or renewed.

1 (9) TERMINATION.—Upon the termination of a
2 lease entered into under this section, if the Secretary
3 determines the continuation of commercial services
4 at the resort to be appropriate, the services shall be
5 provided in accordance with the National Park Serv-
6 ice Concessions Management Improvement Act of
7 1998 (16 U.S.C. 5951 et seq.).

8 (c) RETAINED USE ESTATE.—

9 (1) IN GENERAL.—As a condition of the lease,
10 the owner of the retained use estate shall terminate,
11 extinguish, and relinquish to the Secretary all rights
12 under the retained use estate and shall transfer,
13 without consideration, ownership of improvements
14 on the retained use estate to the National Park
15 Service.

16 (2) APPRAISAL.—

17 (A) IN GENERAL.—The Secretary shall re-
18 quire an appraisal by an independent, qualified
19 appraiser that is agreed to by the Secretary and
20 the owner of the retained use estate to deter-
21 mine the value, if any, of the relinquished term
22 of the retained use estate.

23 (B) REQUIREMENTS.—An appraisal under
24 paragraph (1) shall be conducted in accordance
25 with—

- 1 (i) the Uniform Appraisal Standards
- 2 for Federal Land Acquisitions; and
- 3 (ii) the Uniform Standards of Profes-
- 4 sional Appraisal Practice.

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