

110TH CONGRESS
2D SESSION

H. R. 1143

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2008

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

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,*

1 **SECTION 1. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (2) RUE.—The term “RUE” means the re-
6 tained use estate entered into by the Jackson Hole
7 Preserve and the United States on September 30,
8 1983.

9 (3) PARK.—The term “park” means Virgin Is-
10 lands National Park.

11 (4) CBI.—The term “CBI” means CBI Acqui-
12 sitions, LLC.

13 (5) RESORT.—The term “Resort” means
14 Caneel Bay Resort on the island of St. John in Vir-
15 gin Islands National Park.

16 **SEC. 2. LEASE AGREEMENT.**

17 (a) AUTHORIZATION.—The Secretary may enter into
18 a lease agreement with CBI governing the use of property
19 for the continued management and operation of the Re-
20 sort.

21 (b) ADDITIONAL LANDS.—Any lease entered into
22 pursuant to this Act shall include the property covered by
23 the RUE and any associated property owned by CBI do-
24 nated to the National Park Service.

25 (c) TERMS.—The lease agreement authorized under
26 subsection (a) shall—

1 (1) require that operations and maintenance of
2 the Resort are conducted in a manner consistent
3 with the preservation and conservation of the re-
4 sources and values of the Park as well as the best
5 interests of the Resort;

6 (2) be for the minimum number of years prac-
7 ticable to enable the lessee to secure financing for
8 any necessary improvements to the Resort, taking
9 into account the financial obligations of CBI, but in
10 any event shall not exceed 40 years;

11 (3) prohibit any transfer, assignment or sale of
12 the lease or otherwise convey or pledge any interest
13 in the lease without prior written notification to and
14 approval by the Secretary;

15 (4) prohibit any increase in the number of
16 guest accommodations available at the Resort;

17 (5) prohibit any increase in the overall size of
18 the Resort;

19 (6) prohibit the sale of partial ownership shares
20 or timeshares in the Resort;

21 (7) be designed to facilitate transfer of all prop-
22 erty covered by the lease to Federal administration
23 upon expiration of the lease; and

1 (8) include any other provisions determined by
2 the Secretary to be necessary to protect the Park
3 and the public interest.

4 (d) APPRAISALS.—The Secretary shall require ap-
5 praisals to determine the fair market value of all property
6 covered by the RUE and any property, including the value,
7 if any, of the surrendered term of the RUE, owned by
8 CBI to be donated, or otherwise conveyed, to the National
9 Park Service. Such appraisals shall be conducted pursuant
10 to the Uniform Appraisal Standards for Federal Land Ac-
11 quisition.

12 (e) COMPENSATION.—

13 (1) IN GENERAL.—The lease authorized by this
14 Act shall—

15 (A) require payment to the United States
16 of the property's fair market value rent, taking
17 into account the value of any associated prop-
18 erty transferred by CBI as well as the value, if
19 any, of the surrendered term of the RUE;

20 (B) include a provision—

21 (i) allowing recalculation of the
22 amount of the payment required under this
23 subsection, at the request of the Secretary
24 or CBI, in the event of extraordinary un-
25 anticipated changes in conditions antici-

1 pated at the time the lease was finalized;
2 and

3 (ii) providing for binding arbitration
4 in the event the Secretary and CBI are un-
5 able to agree upon an adjustment to the
6 payment in these circumstances.

7 (2) DISTRIBUTION.—Eighty percent of the pay-
8 ment to the United States required by this sub-
9 section shall be available to the Secretary, without
10 further appropriation, for expenditure within the
11 Park. The remaining twenty percent shall be depos-
12 ited in the Treasury.

13 (3) APPLICABILITY OF CERTAIN LAW.—Section
14 321 of the Act of June 30, 1932 (40 U.S.C. 1302),
15 relating to the leasing of buildings and property of
16 the United States, shall not apply to the lease en-
17 tered into by the Secretary pursuant to this Act.

18 **SEC. 3. RETAINED USE ESTATE.**

19 As a condition of the lease, CBI shall relinquish to
20 the Secretary all rights under the RUE and transfer, with-

1 out compensation, ownership of improvements covered by
2 the RUE to the United States.

Passed the House of Representatives March 4,
2008.

Attest: LORRAINE C. MILLER,
Clerk.

By DEBORAH M. SPRIGGS,
Deputy Clerk.