

Calendar No. 296

111TH CONGRESS
2^D SESSION**H. R. 714****[Report No. 111-146]**

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2009

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

MARCH 2, 2010

Reported by Mr. BINGAMAN, with amendments

[Omit the part struck through and insert the part printed in *italie*]

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,*

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.

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

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

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (b) LEASE AUTHORIZATION.—

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

21 (2) ACQUISITIONS.—The Secretary may—

22 (A) acquire associated property from the
23 owner of the retained use estate; and

1 (B) on the acquisition of property under
2 subparagraph (A), administer the property as
3 part of the Park.

4 (3) AUTHORITY.—Except as otherwise provided
5 by this section, a lease shall be in accordance with
6 subsection (k) of section 3 of Public Law 91–383
7 (16 U.S.C. 1a–2(k)), notwithstanding paragraph (2)
8 of that subsection.

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

11 (A) be for the minimum number of years
12 practicable, taking into consideration the need
13 for the lessee to secure financing for necessary
14 capital improvements to the resort, but in no
15 event shall the term of the lease exceed 40
16 years;

17 (B) prohibit any transfer, assignment, or
18 sale of the lease or otherwise convey or pledge
19 any interest in the lease ~~with~~ *without* prior
20 written notification to, and approval by the Sec-
21 retary;

22 (C) ensure that the general character of
23 the resort property remains unchanged, includ-
24 ing a prohibition against—

1 (i) any increase in the overall size of
2 the resort; or

3 (ii) any increase in the number of
4 guest accommodations available at the re-
5 sort;

6 (D) prohibit the sale of partial ownership
7 shares or timeshares in the resort; ~~and~~

8 *(E) include provisions to ensure the protec-*
9 *tion of the natural, cultural, and historic fea-*
10 *tures of the resort and associated property, con-*
11 *sistent with the laws and policies applicable to*
12 *property managed by the National Park Service;*
13 *and*

14 ~~(E)~~(F) include any other provisions deter-
15 mined by the Secretary to be necessary to pro-
16 tect the Park and the public interest.

17 (5) RENTAL AMOUNTS.—In determining the
18 fair market value rental of the lease required under
19 section 3(k)(4) of Public Law 91–383 (16 U.S.C.
20 1a–2(k)(4)), the Secretary shall take into consider-
21 ation—

22 (A) the value of any associated property
23 conveyed to the United States; and

24 (B) the value, if any, of the relinquished
25 term of the retained use estate.

1 (6) USE OF PROCEEDS.—Rental amounts paid
2 to the United States under a lease shall be available
3 to the Secretary, without further appropriation, for
4 visitor services and resource protection within the
5 Park.

6 (7) CONGRESSIONAL NOTIFICATION.—The Sec-
7 retary shall submit a proposed lease under this sec-
8 tion to the Committee on Energy and Natural Re-
9 sources of the Senate and the Committee on Natural
10 Resources of the House of Representatives at least
11 60 days before the ~~effective date~~ *award* of the lease.

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

14 (9) TERMINATION.—Upon the termination of a
15 lease entered into under this section, if the Secretary
16 determines the continuation of commercial services
17 at the resort to be appropriate, the services shall be
18 provided in accordance with the National Park Serv-
19 ice Concessions Management Improvement Act of
20 1998 (16 U.S.C. 5951 et seq.).

21 (c) RETAINED USE ESTATE.—

22 (1) IN GENERAL.—As a condition of the lease,
23 the owner of the retained use estate shall terminate,
24 extinguish, and relinquish to the Secretary all rights
25 under the retained use estate and shall transfer,

1 without consideration, ownership of improvements
2 on the retained use estate to the National Park
3 Service.

4 (2) APPRAISAL.—

5 (A) IN GENERAL.—The Secretary shall re-
6 quire an appraisal by an independent, qualified
7 appraiser ~~that~~ *who* is agreed to by the Sec-
8 retary and the owner of the retained use estate
9 to determine the value, if any, of the relin-
10 quished term of the retained use estate.

11 (B) REQUIREMENTS.—An appraisal under
12 paragraph (1) shall be conducted in accordance
13 with—

14 (i) the Uniform Appraisal Standards
15 for Federal Land Acquisitions; and

16 (ii) the Uniform Standards of Profes-
17 sional Appraisal Practice.

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