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REPORT
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VIRGIN ISLANDS NATIONAL PARK SCHOOL LEASE ACT

OCTOBER 22, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 53]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 53) to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Virgin Islands National Park School Lease Act".

SEC. 2. LONG-TERM LEASE, VIRGIN ISLANDS NATIONAL PARK, SAINT JOHN, VIRGIN ISLANDS.

(a) LEASE AUTHORIZED.—The Secretary of the Interior may lease to the Government of the United States Virgin Islands a parcel of real property, including any improvements thereon, located within the boundaries of Virgin Islands National Park on the island of Saint John, Virgin Islands, as depicted on the map entitled "Virgin Islands National Park School Exchange", numbered 161/80,037, and dated September 19, 2007, for the purpose of providing a suitable location for the establishment of a school by the Government of the United States Virgin Islands on the island.

(b) TERM OF LEASE.—The lease authorized by subsection (a) may not exceed a term of 99 years.

(c) AVAILABILITY OF MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under this section as the Secretary considers appropriate to protect the interests of the United States.

PURPOSE OF THE BILL

The purpose of H.R. 53 is to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands (USVI) to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 53 would authorize the Secretary to lease to the Government of the United States Virgin Islands (USVI) real property on the island of Saint John, including any improvements, for the purposes of constructing a public school complex. The property that has been tentatively identified for lease is a 10-acre plot that is part of Estate Catherineberg, a historic sugar plantation located near the center of the island.

Virgin Islands National Park was authorized by Congress in 1956 and established largely by an initial land donation from Laurance Rockefeller through the Jackson Hole Preserve, Incorporated. Congress enlarged the park in 1962 by adding 5,650 acres of submerged lands along the north and south coasts of St. John. In 1978, Congress added approximately 135 acres at Hassel Island in St. Thomas Harbor to the park. The park protects Caribbean forests, coral gardens, beaches, and historic ruins and currently owns 12,917 acres of land and water within its 14,689-acre boundary.

For at least the past three decades, the government of the USVI and the National Park Service have been discussing the question of securing suitable land on the island of St. John to construct a public school. Since the 1970's, school enrollment on St. John has more than doubled and the USVI government has no more land on the island to either expand either of the two existing public schools or to build a new one. The island of St. John is only 28 square miles, two thirds which comprises the Virgin Islands National Park. Without utilizing National Park Service land, there is no other suitable property to build a school on St. John. The two existing public schools—Julius E. Sprauve (K–9) and Guy H. Benjamin Elementary (K–5)—on St. John only accommodate children up to the 9th grade. "St. Johnian" high school children must travel to St. Thomas twenty minutes by ferry, over Open Ocean, to complete their secondary education.

USVI Congressional Delegate Christensen has for several Congresses introduced legislation to provide for a "land-exchange" between the National Park Service and the USVI Government to build a school in a safer location. In recent years, because of the size of the NPS' holdings on the island, public support has shifted away from an exchange to some other mechanism for securing land for a school, such as a long-term lease, which H.R. 53 would accomplish.

COMMITTEE ACTION

H.R. 53 was introduced on January 4, 2007, by Delegate Donna Christensen (D–VI). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Insular Affairs. On September 20, 2007, the Subcommittee met to mark up the bill. It was forwarded to the Full Committee, with-

out amendment, by voice vote. On October 10, 2007 the Full Natural Resources Committee met to consider the bill. The bill was ordered favorably reported to the House of Representatives by voice vote with an amendment offered by Mrs. Christensen.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the "Virgin Islands National Park School Lease Act."

Section 2. Long-term lease, Virgin Islands National Park, Saint John, Virgin Islands

Section 2(a) lease authorized—Provides for the Secretary of the Interior to lease certain property within the boundaries of the Virgin Islands National Park on St. John as depicted on the map entitled "Virgin Islands Park School Exchange," for the establishment of a school by the Government of the Virgin Islands.

Section 2(b) term of lease—States that the lease authorized by subsection may not exceed 99 years.

Section 3(c) availability of map—Provides for the map referenced in subsection (a) to be available for public inspection.

Section 2(d) additional terms and conditions—States that the Secretary may require additional terms and conditions in connection with the lease that he considers appropriate.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General performance goals and objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin

Islands (USVI) to provide land on the island of Saint John, Virgin Islands, for the establishment of a school.

4. Congressional Budget Office cost estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

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CBO estimates that enacting this legislation would have no significant impact on the federal budget. H.R. 53 would authorize the Department of the Interior (DOI) to enter into a 99-year lease with the Government of the Virgin Islands (U.S. Virgin Islands) to provide about 10 acres of land in the Virgin Islands National Park for the construction of a school. Leasing the property to the U.S. Virgin Islands would result in the collection of a negligible amount of offsetting receipts, which would be offset by an equal amount of spending by DOI.

H.R. 53 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Enacting the bill would benefit the U.S. Virgin Islands, and any costs incurred by that government would be incurred voluntarily.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 53 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or (f) of rule XXI.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

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