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Contents:

H.R. 3726—Castle Nugent National Historic Site Establishment Act of 2010

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Order of Business: The bill is expected to be considered on Wednesday, January 27, 2010 under a closed rule. The rule ([H.Res.1038](#)) provides for one hour of debate equally divided and controlled by the majority and minority, waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI, and provides one motion to recommit with or without instructions.

Summary: This legislation establishes the Castle Nugent National Historic Site on the Island of St. Croix, U.S. Virgin Islands as a unit of the National Park System. This site consists of approximately 2,900 acres of land, and includes submerged lands within the three-mile territorial limit, an additional 8,600 acres. The bill defined the purpose of H.R. 3726 as the preservation, protection, and interpretation of a Caribbean cultural landscape including historic agricultural use, archaeological resources, mangrove forests, sea turtle nesting beaches, and a barrier coral reef system along with other outstanding natural resources. The bill also authorizes the acquisition of land and interests to create the park through donation, purchase with appropriated or donated funds, or exchange. The bill does not specifically eliminate the ability for the Park Service to acquire lands through *eminent domain*.

Currently, the NPS estimates that the entire parcel (2,900 acres of nonsubmerged land) has a value of about \$45 million and would take 10 years to acquire. In addition, NPS estimates the annual cost of maintaining the park would be approximately \$1 million per year.

Additional Information: The 109th Congress passed legislation to conduct a “Special Resource Study” of the site. While the NPS contends they have completed the work required by they legislation, they have not yet submitted the report to Congress as required by law.

According to the sponsor, Castle Nugent Farms is a breeding center for St. Croix's famed Senepol cattle for half a century. It covers dry forest and pastureland rich in cultural resources predating the arrival of Christopher Columbus at Salt River in 1493.

Potential Conservative Concerns:

- ***Poster Child For Unnecessary Spending:*** Some conservatives have expressed concern that spending nearly \$50 million on federal land acquisition for beachfront property on a Caribbean Island when the unemployment rate is 10% is insulting to the taxpayer – even more so when most Americans do not have the luxury of taking an expensive family vacation to visit the site.

Even if the Democrats were not running enormous deficits in a weak economy, the purchase is still dubious since there is a \$9 billion maintenance backlog in the parks and huge debt.

- ***Undermines Private Property Rights:*** The bill does not include safeguards to ensure private property owners giving up their land are “willing sellers;” thus allowing the National Park Service to possibly claim property from unwilling parties - resulting in eminent domain concerns for some conservatives.

Committee Action: On October 6, 2009, the bill was referred to the Committee on Natural Resources. On December 126, 2009, the committee held a mark-up and ordered the bill to be reported as amended by a vote of the 25 – 14. On January 19, 2010, the bill was considered under “suspension of the rules” in the full House and defeated by a vote of [241 – 173](#).

Administration Position: A Statement of Administration Policy (SAP) for H.R. 3726 is unavailable at press time.

Cost to Taxpayers: CBO estimates that implementing H.R. 3726 would cost \$26 million over the next five years, assuming appropriation of the necessary amounts, mostly to acquire about half of the total acreage. Currently, the NPS estimates that the entire parcel (2,900 acres of nonsubmerged land) has a value of about \$45 million and would take 10 years to acquire. In addition, NPS estimates the annual cost of maintaining the park would be approximately \$1 million per year.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill expands the size of the National Park System by creating the Castle Nugent National Historic Site on the Island of St. Croix, U.S. Virgin Islands.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No. If, however, the Secretary determines that condemnation is necessary to acquire a property, such use of condemnation would be a private-sector mandate as defined in UMRA. The cost of the mandate would be equal to the fair-market value of the property. Since, according to the NPS, the value of property that may be obtained is no more than \$50 million.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? Committee Report 111-393 states H.R. 3726 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

Constitutional Authority: Committee Report 111-393 states Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

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