

# Congress of the United States

## House of Representatives

Washington, DC 20515

STACEY E. PLASKETT  
VIRGIN ISLANDS

2059 RAYBURN BUILDING  
WASHINGTON, DC 20515

July 24, 2023

The Honorable Novelle Francis Jr.  
Senate President  
35th Legislature of the Virgin Islands  
Post Office Box 1690  
St. Thomas, VI 00804

Dear Senate President Francis,

It is my understanding that the Legislature of the Virgin Islands is presently considering proposed legislation, transmitted by Governor Bryan, for a land exchange between the Government of the Virgin Islands and the National Park Service (NPS) for the construction of a Kindergarten through 12<sup>th</sup> grade school on St. John. On July 20<sup>th</sup>, the Legislature of the Virgin Islands ultimately decided to hold in Committee the legislation, Bill 35-0112, for 45 working days to allow stakeholders' review and input as well as additional due diligence. I recognize the difficult process before the Legislature of the Virgin Islands to meet the need for a Kindergarten through 12<sup>th</sup> grade school on St. John and honor the wishes of our constituents.

My team noted several matters discussed during the Legislature of the Virgin Islands' debate of the proposed bill. I hope the following information clarifies actions taken by Congress so far on this matter.

### **Deadlines**

The Virgin Islands are in a position that we have not been in previously to have the funding for transformational building and rebuilding. The Bipartisan Budget Act of 2018 provided FEMA the ability to make repairs and replace infrastructure in the Virgin Islands to incorporate resilient design and features, regardless of pre-disaster condition, which is the normal standard, following the hurricanes in 2017. I understand the Virgin Islands will receive over \$100 million for the reconstruction of the Julius E. Sprauve School through the FEMA Public Assistance alternative procedures program, which provides awards based on fixed-cost estimates. If the actual cost of the project exceeds the agreed upon estimate, the recipient is responsible for additional costs. This is an incentive for the timely, cost-effective completion of work.

The Preliminary Memorandum of Agreement between the Department of the Interior and the Government of the Virgin Islands conditioned the completion of an Environmental Assessment under the National Environmental Policy Act of 1969. Following the completion of the Environmental Assessment, a Memorandum of Agreement signed by the Government of the Virgin Islands and the NPS included an expiration provision if its terms were not carried out within five years from November 2, 2022, the date of execution.

To make you aware of the calendar of the House of Representatives, no legislative business will take place after July 28<sup>th</sup> until September 12<sup>th</sup>. Congress will be out of session for the month of August for Members to be home in their districts.

### **Congressional Leasing of Land**

I am aware of discussions of legislation previously introduced in Congress concerning the construction of a Kindergarten through 12<sup>th</sup> grade school on St. John – one of which is legislation introduced by my predecessor, Congresswoman Donna Christensen, in the 110<sup>th</sup> Congress (H.R.53), almost 20 years ago. That legislation, the Virgin Islands National Park Lease Act, would have authorized the Secretary of the Interior to lease land on St. John to the Government of the Virgin Islands for up to 99 years to establish a school. While Congresswoman Christensen’s bill passed in the House of Representatives, it did not advance in the Senate.

Congresswoman Christensen did not re-introduce this legislation during her tenure; and while my office researched this legislation as an option, I have not taken it up again because not only does NPS leadership actively oppose such legislation, it has been made clear to my office that it will not be supported nor passed by the U.S. Senate.<sup>1</sup> On January 17, 2023, my staff discussed the reintroduction of such legislation with the House Committee on Natural Resources and was informed explicitly that this legislation would not be supported. Furthermore, as a bicameral body, such action would require the introduction of a companion bill in the Senate. The office of the Chairman of the Senate Committee on Energy and Natural Resources, Subcommittee on National Parks, who provides leadership on such matters, informed my office that the Chairman was not in favor of such legislation and would not advance it, but was in favor of the proposed land exchange as delineated by Governor Bryan.

If I had drafted and introduced legislation on this matter, it would not have been reported out of the House Committee on Natural Resources and therefore, would never have made it to the floor of the House of Representatives for a vote. The same applies to calls for Congress to direct the Department of the Interior to convey land to the Government of the Virgin Islands. Therefore, neither are viable options. Although this does not solve the land exchange issue, I have put forth legislation (H.R.3025) which I believe can garner support in Congress to ensure the Virgin Islands National Park cannot expand, to try to solve one of the root causes of Virgin Islanders’ discontent with the NPS. The House Natural Resources Subcommittee on Federal Lands held a hearing on H.R.3025 on June 22, 2023, and my office is working with leadership to advance this legislation.

### **Acadia National Park, Maine**

There have been false equivalencies between the proposed St. John land exchange and the Acadia National Park. In 1986, the NPS was directed to convey land out of its ownership to establish a solid waste transfer station in Acadia. However, the station was never established. Nearly 40 years later, Congress included, with the support of the NPS, a provision in the Consolidated Appropriations Act, 2023, to permit the development of this parcel solely for NPS workforce and affordable housing.

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<sup>1</sup> Department of the Interior Testimony on H.R.53 (110<sup>th</sup> Congress) before the Senate Subcommittee on National Parks; April 23, 2008; available at: [https://www.doi.gov/ocl/hearings/110/HR53\\_042308](https://www.doi.gov/ocl/hearings/110/HR53_042308).

It may not be apparent by simply noting that this legislation was enacted – but the Chairman of the Senate Committee on Energy and Natural Resources, Subcommittee on National Parks (which has jurisdiction over National Parks) is in fact a Senator in the U.S. Senate from Maine. Over the course of negotiations, the achievable redesignation became its utilization for affordable and NPS workforce housing, not specifically for use by the people of Maine.


### **Constituent Outreach**

This year, my office has hosted community meetings to ensure that Virgin Islanders' voices, not just written comments, were received by the Department of the Interior, the NPS, and the Government of the Virgin Islands. During one of the community meetings, my office learned of difficulties submitting comments during the final public comment period and successfully advocated for an extension of approximately one month.

I am happy to work with the Legislature of the Virgin Islands to have additional town halls and provide additional opportunities for individuals to voice their concerns again to the relevant parties, including the Government of the Virgin Islands and the Department of the Interior. I would certainly extend the invitation to attend such activities to Members of the Committee on Natural Resources, as the committee of jurisdiction.

I stand ready to assist and remain available to meet with you and members of the Legislature of the Virgin Islands. I look forward to hearing from you and continuing our work on behalf of the people of the Virgin Islands.

Sincerely,

  
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Stacey E. Plaskett  
Member of Congress

cc:

The Honorable Albert Bryan, Governor of the United States Virgin Islands  
Chair Marise James, Committee on Education and Workforce Development  
Chair Milton E. Potter, Committee on Disaster Recovery, Infrastructure, and Planning