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107TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
107–639

GRAND TETON NATIONAL PARK LAND EXCHANGE ACT

SEPTEMBER 4, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources, submitted the following

R E P O R T

[To accompany S. 1105]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 1105) to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 1105 is to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

When Wyoming was granted statehood, they were given scattered parcels of trust lands for the benefit of Wyoming schools. Some of these lands were within what would eventually become Grand Teton National Park. The State of Wyoming is required by law to derive revenues from the lands for their public schools. However, due to their location within a national park, the state has only been able to realize minimal revenue from these trust lands by allowing them to be leased for grazing and wildlife purposes.

The legislation would provide the process by which the Secretary of Interior would acquire approximately 1,366 acres of land and subsurface mineral interests on 39 acres of land within the Grand Teton National Park. The 39 acre mineral interest is located in the northern part of the park near Jackson Lake. The smallest land parcel of state land comprises 86 acres and is located across the

Snake River from the Jackson Hole Airport. The two largest parcels, 640 acres in size each, are in the southern and eastern portion of the park close to some of the park's developed road system. These lands, rich in wildlife habitat, would be exchanged for other federal lands or assets of equal value. The legislation details the process under which the exchange would take place, including the selection of an appraiser, approval of the values of lands, and the opportunity for appeals. In turn, the state would be able to acquire lands that have greater potential to generate revenue for public schools.

COMMITTEE ACTION

S. 1105 was introduced on March 1, 2001 by Senator Craig Thomas (R–WY). The bill was referred to the Senate Committee on Energy and Natural Resources. On July 31, 2001, the Subcommittee on National Parks held a hearing on the bill. On August 2, 2001, the Committee reported the bill favorably, with an amendment, to the Senate during its business meeting. On October 17, 2001, the Senate passed the bill, as amended, by unanimous consent. On October 23, 2001, the bill was received in the House and referred to the Committee on Resources. On November 5, 2001, the bill was referred within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. On July 24, 2002, the Full Resources Committee met to markup the bill and the Subcommittee on National Parks, Recreation, and Public Lands was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill, as forwarded by the Senate, was ordered favorably reported to the House of Representatives by unanimous consent.

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 Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States, grant 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 au-

thority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of this legislation is estimated to cost $1 million, subject to appropriations.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the general performance goal and objective of this legislation is to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, and for other purposes.

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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 31, 2002.

Hon. JAMES V. HANSEN,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1105, the Grand Teton National Park Land Exchange Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

S. 1105—Grand Teton National Park Land Exchange Act

Summary: S. 1105 would authorize the Secretary of the Interior to acquire about 1,400 acres of state-owned lands and associated interests that lie within the boundaries of the Grand Teton National Park in Teton County, Wyoming. The Secretary could acquire those lands by donation, purchase, or, under certain conditions, by exchanging them for other federal lands and interests. The Secretary would manage any lands acquired under S. 1105 as part of the Grand Teton National Park.

CBO estimates that implementing S. 1105 would cost $1 million in 2003, assuming appropriation of the necessary amounts. The legislation could affect direct spending (including offsetting receipts); therefore, pay-as-you-go procedures would apply, but we estimate that any net change in direct spending would be negligible.

S. 1105 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. This exchange would be voluntary on the part of the Wyoming state government.

Estimated cost to the Federal Government: For this estimate, CBO assumes that S. 110–5 will be enacted near the start of fiscal year 2003 and that amounts necessary to implement this legislation will be provided soon thereafter. The estimated budgetary impact of S. 1105 is shown in the following table. The costs of this

legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION [1]					
Estimated authorization level	1	0	0	0	0
Estimated outlays	1	0	0	0	0

[1] Enacting S. 1105 also could affect direct spending, but CBO estimates that any such effects would be negligible.

Basis of estimate

S. 1105 would authorize the Secretary of the Interior to acquire state-owned lands through donation or purchase, or, under certain conditions, by exchanging them for other federal lands. The act does not specify the federal lands to be exchanged but does require that they be identified for disposal under approved land use plans in effect on the date of the legislation's enactment. If lands eligible for exchange under S. 1105 are not sufficient to acquire the state's lands, S. 1105 would authorize the Secretary to identify other federal lands or interior, including mineral rights, that may be used to complete the exchange. Under S. 1105, however, a subsequent act of the Congress would be necessary to authorize the Secretary to proceed with an exchange of other such lands or interests.

Spending subject to appropriation

Assuming appropriation of the necessary amounts and based on information from the Bureau of Land Management (BLM), CBO estimates that the agency would spend $1 million for administrative and analytical work associated with the acquisition authorized by S. 1105. We estimate that most of that spending would occur during 2003.

Direct spending (including offsetting receipts)

Based on information from BLM, CBO assumes that the agency would most likely attempt to acquire the state's lands through an exchange of federal lands that have been identified for disposal. Under current law, the agency has authority to sell such lands and to keep and spend the proceeds for various purposes. Hence, we estimate that conveying lands that have been identified for disposal as part of a land exchange with Wyoming would result in forgone offsetting receipts from the sale of such lands, but that any such forgone receipts would be fully offset by a corresponding decrease in direct spending of sale proceeds. Thus, CBO estimates that the net change in spending under S. 1105 would be negligible.

Alternatively, CBO estimates that conveying other federal lands and interests that are not identified for disposal could result in a net increase in direct spending. Because S. 1105 does not authorize the conveyance of such lands and interests, however, any such effects would be contingent on a future act of Congress.

Pay-as-you-go considerations

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. CBO estimates that enacting S. 1105 could result in forgone receipts from the sale of federal lands identified for disposal.

Because BLM has authority to spend such receipts, we also estimate that any such forgone receipts would be fully offset by a corresponding decrease in direct spending. Hence, we estimate that the net change in direct spending would be negligible.

Intergovernmental and private-sector impact

S. 1105 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. This exchange would be voluntary on the part of the Wyoming state government.

Previous CBO estimate

On September 10, 2001, CBO transmitted a cost estimate for S. 1105 as ordered reported by the Senate Committee on Energy and Natural Resources on August 2, 2001. Differences in our estimates of spending subject to appropriation reflect a change in our assumption regarding when the legislation will be enacted.

Unlike the House Resources Committee's version of S. 1105, the Senate Committee on Energy and Natural Resources' version of S. 1105 would authorize the Secretary to convey federal lands and interests that are not identified for disposal as part of a land exchange to acquire Wyoming's lands. As a result, for that version of the legislation, CBO assumed the Secretary would convey to the state the reserved royalty interest in one or more oil or gas leases that are expected to produce a stream of royalties with a net present value equal to the estimated value of the state lands. Hence, we estimated that the previous version of this legislation would result in a net increase in direct spending of $23.5 million over the 2003–2011 period.

Estimate prepared by

Federal costs: Megan Carroll impact on state, local, and tribal governments: Marjorie Miller; impact on the private sector: Lauren Marks.

Estimate approved by

Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

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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