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# GRAND TETON NATIONAL PARK LAND EXCHANGE ACT

MARCH 5, 2003.—Ordered to be printed

Mr. DOMENICI, from the Committee on Energy and Natural Resources, submitted the following

# R E P O R T

[To accompany S. 273]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

## PURPOSE OF THE MEASURE

The purpose of S. 273 is to provide for the acquisition of approximately 1,366 acres of land and 40 acres of mineral interests owned by the State of Wyoming within the boundaries of Grand Teton National Park.

## BACKGROUND AND NEED

At the time of statehood, Wyoming was granted two sections and a third smaller parcel of school trust lands in what later became Grand Teton National Park. The Wyoming Constitution directs the State to generate a reasonable income from these trust lands to support its public schools. Any revenue or proceeds from school trust lands must be used for the educational trust fund. The State has been leasing the lands identified in the bill for grazing and wildlife purposes, raising approximately $2,000 annually in fees. In response to a recent Wyoming Supreme Count decision,[1] the State is reevaluating the revenue streams from its school trust lands. Because the State land in Grand Teton National Park is near the

[1] *Campbell County School District* v. *Wyoming,* 907 P.2d 1238 (Wyo. 1995) (holding Wyoming's public school finance system unconstitutional).

town of Jackson, the State may be facing future legal challenges to obtain maximum value for the lands and sell them for development.

Three parcels of land and a 40-acre tract of subsurface mineral interests would be exchanged under the terms of S. 273. The 40-acre mineral interest is located near the center of the park near Jackson Lake. The smallest land parcel of State land comprises 85 acres and is located in the southwestern part of the park across the Snake River from the Jackson Hole Airport. The two largest parcels are each 640 acres. One is in the southern part and the other is in the eastern part of the park. Both are close to the park's developed road system. Enactment of S. 273 will allow for the continued protection of these properties within Grand Teton National Park while ensuring that the State of Wyoming meets its constitutional mandate to maximize revenues from its school trust lands.

## LEGISLATIVE HISTORY

S. 273 was introduced by Senators Thomas and Enzi on February 4, 2003. A similar bill, S. 1105, was introduced by Senators Thomas and Enzi during the 107th Congress on March 1, 2001. The Subcommittee on National Parks held a hearing on S. 1105 on July 31, 2001. At its business meeting on August 2, 2001, the Committee on Energy and Natural Resources ordered S. 1105 favorably reported with an amendment in the nature of a substitute. S. 1105 passed the Senate, as amended, on October 17, 2001. The House passed S. 1105 with additional unrelated provisions September 24, 2002. On November 20, 2003, the Senate disagreed to the House amendment. The Senate also adopted the text of S. 1005 as part of amendment 4971 to S. 941, which passed the Senate, on November 19, 2002.

At the business meeting on February 26, 2003, the Committee on Energy and Natural Resources ordered S. 273 favorably reported.

## COMMITTEE RECOMMENDATIONS

The Committee on Energy and Natural Resources, in open business session on February 26, 2003, by a unanimous vote of a quorum present, recommends that the Senate pass S. 273 as described herein.

## SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill "Grand Teton National Park Land Exchange Act."

Section 2 defines key terms used in the bill.

Section 3 authorizes the Secretary of the Interior (the "Secretary") to acquire approximately 1,406 acres of State lands and interests in land within Grand Teton National Park by donation, purchase with donated or appropriated funds, or exchange.

Section 4 requires that the State lands and interests be valued by one of the following methods: the Secretary and the Governor are to mutually agree on the selection of a qualified appraiser to conduct an appraisal of the State lands; or if they are unable to agree on an appraiser, then they are each to select an appraiser, and the two appraisers will select a third qualified appraiser to

value the State lands. The Secretary and the State of Wyoming are each required to pay one-half of the appraisal costs.

Section 5 provides that the lands and interests acquired from the State are to be administered as part of Grand Teton National Park and are to be managed in accordance with the Act of August 25, 1916 (16 U.S.C. 1, commonly known as the National Park Service Organic Act) and other laws and regulations applicable to units of the National Park System.

Section 6 authorizes the appropriations necessary to carry out this Act.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, February 28, 2003.*

Hon. PETE V. DOMENICI,
*Chairman, Committee on Energy and Natural Resources,*
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 273, 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,

DOUGLAS HOLTZ-EAKIN,
*Director.*

Enclosure.

*S. 273—Grand Teton National Park Land Exchange Act*

Summary: S. 273 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. 273 as part of the Grand Teton National Park.

CBO estimates that implementing S. 273 would cost $1 million in 2004, assuming appropriation of the necessary amounts. The legislation would affect direct spending (including offsetting receipts), but we estimate that any net change in direct spending would be negligible.

S. 273 contains no intergovernmental or private-sector mandate 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. 273 will be enacted by the end of fiscal year 2003 and that amounts necessary to implement this legislation will be provided soon thereafter. The estimated budgetary impact of S.

273 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 | 2008 |
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION [1] | | | | | | |
| Estimated Authorization Level | 0 | 1 | 0 | 0 | 0 | 0 |
| Estimated Outlays | 0 | 1 | 0 | 0 | 0 | 0 |

[1] Enacting S. 273 could affect direct spending, but CBO estimates that any such effects would be negligible.

Basis of estimate: S. 273 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 bill's enactment. If lands eligible for exchange under S. 273 are not sufficient to acquire the state's lands, S. 273 would authorize the Secretary to identify other federal lands or interests, including mineral rights, that may be used to complete the exchange. Under S. 273, 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. 273. We estimate that most of that spending would occur during 2004.

*Direct spending*

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 direct spending under S. 273 would be negligible.

Alternatively, CBO estimates that conveying other federal lands and interests that are not identified for disposal cold result in a net increase in direct spending. Because S. 273 does not authorize the conveyance of such lands and interests, however, any such effects would be contingent on a future act of the Congress.

Intergovernmental and private-sector impact: S. 273 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.

Estimate prepared by: Federal Costs: Megan Carroll; Impact on State, Local, and Tribal Governments: Majorie Miller; and Impact on the Private Sector: Lauren Marks.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 273. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 273, as ordered reported.

## EXECUTIVE COMMUNICATIONS

On February 26, 2003, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 273. These reports had not been received at the time the report on S. 273 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 273, as ordered reported.