

## Calendar No. 611

114TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
114-340

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### GULF ISLANDS NATIONAL SEASHORE LAND EXCHANGE ACT OF 2016

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SEPTEMBER 6, 2016.—Ordered to be printed

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Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany H.R. 4119]

The Committee on Energy and Natural Resources, to which was referred the bill (H.R. 4119) to authorize the exchange of certain land located in Gulf Islands National Seashore, Jackson County, Mississippi, between the National Park Service and the Veterans of Foreign Wars, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, strike lines 14 and 15, and insert the following:

Jackson County, Mississippi, identified as “NPS Exchange Area” on the map entitled “Gulf Islands National Seashore, Proposed Land Exchange with VFW, Davis Bayou Area—Jackson County, MS”, numbered 635/133309, and dated June 2016.

2. On page 2, line 21, strike “section 34, township 7 north, range 8 east” and insert “identified as ‘VFW Exchange Area’ on the map described in subsection (a)”.

3. On page 2, strike lines 22 through 24 and insert the following:

(c) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The values of the parcels of real property to be exchanged under this section shall be equal, as determined by an appraisal conducted—

(A) by a qualified and independent appraiser;  
and

(B) in accordance with nationally recognized appraisal standards.

(2) EQUALIZATION.—If the values of the parcels of real property to be exchanged under this section are not equal, the values shall be equalized through—

(A) a cash payment; or

(B) adjustments to the acreage of the parcels of real property to be exchanged.

4. On page 4, between lines 9 and 10, insert the following:

(g) VALID EXISTING RIGHTS.—The exchange authorized under this section shall be subject to valid existing rights.

(h) TITLE APPROVAL.—Title to the Federal parcel of real property and non-Federal parcel of real property to be exchanged under this section shall be in a form acceptable to the Secretary.

5. On page 4, line 10, strike “(g)” and insert “(i)”.

6. On page 4, line 14, strike “(h)” and insert “(j)”.

#### PURPOSE

The purpose of H.R. 4119 is to authorize the exchange of certain land located in Gulf Islands National Seashore, Jackson County, Mississippi, between the National Park Service (NPS) and the Veterans of Foreign Wars (VFW).

#### BACKGROUND AND NEED

The VFW Post 5699 in Ocean Springs, Mississippi, owns a 3.3-acre lot adjacent to Gulf Islands National Seashore’s Davis Bayou Area. The VFW Post’s property NPS property separates the VFW Post from the public road. The only access to the VFW Post’s property is by way of a one-lane dirt access road across NPS land. The NPS allowed the VFW to construct and maintain the access road, but no right-of-way or special use permit was issued for it. As a means of guaranteeing access to the driveway, the VFW is seeking a mutually beneficial land exchange with the NPS, as outlined on NPS Map Number 635/133309, dated June 2016. As proposed, the 2.16 acres of VFW land would be exchanged for 1.54 acres of NPS land.

#### LEGISLATIVE HISTORY

H.R. 4119 was introduced in the House of Representatives on November 19, 2015, by Representative Palazzo. H.R. 4119 was reported favorably by the House Committee on Natural Resources on March 2, 2016, and passed the House of Representatives on March 22, 2016 by voice vote.

The Senate Energy and Natural Resources Committee’s Subcommittee on National Parks held a hearing on H.R. 4119 on June 15, 2016.

The Committee on Energy and Natural Resources met in open business session on July 13, 2016, and ordered H.R. 4119 favorably reported as amended.

## COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on July 13, 2016, by a majority voice vote of a quorum present, recommends that the Senate pass H.R. 4119, if amended, as described herein.

## COMMITTEE AMENDMENTS

During its consideration of H.R. 4119, the Committee adopted six amendments to improve the bill. The first two amendments strike the language using section and townships to identify the land to be exchanged and adopt the NPS Map entitled “Gulf Islands National Seashore, Proposed Land Exchange with VFW, Davis Bayou Area—Jackson County, MS,” numbered 635/133309, and dated June 2016 as an alternate identification method.

The third amendment inserts language requiring an equal value exchange, as determined by a qualified and independent appraiser, in accordance with nationally recognized standards. If the values of the parcels of real property to be exchanged under this section are not equal, the values shall be equalized through a cash payment, or adjustments to the acreage of the parcels of real property to be exchanged.

The fourth amendment states that the exchange shall be subject to valid existing rights, and that title to the Federal parcel of real property and non-Federal parcel of real property to be exchanged shall be in a form acceptable to the Secretary.

The final two amendments redesignate subsections.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Short title*

Section 1 contains the short title.

*Section 2. Land exchange, Gulf Islands National Seashore, Jackson County, Mississippi*

Subsection (a) authorizes the Secretary of the Interior, acting through the Director of the NPS, to convey to the VFW Post 5699 (Post), all right, title, and interest of the United States in and to a parcel of real property, consisting of approximately 1.542 acres and located within the Gulf Islands National Seashore in Jackson County, Mississippi, as identified on the referenced map.

Subsection (b) directs the Post to convey to the Secretary the land to be acquired as identified in the referenced map in exchange for the property described in subsection (a).

Subsection (c) requires that the values of the parcels of property to be exchanged shall be equal, as determined by a qualified and independent appraiser, in accordance with national standards. If the values of the parcels of real property to be exchanged under this section are not equal, the values shall be equalized through a cash payment or adjustments to the acreage of the parcels of real property to be exchanged.

Subsection (d) requires the Post to cover the property conveyance costs, or reimburse the Secretary for such costs incurred, including survey costs, costs related to environmental documentation, and any other administrative costs related to the land exchange. If amounts are collected by the Secretary in advance of actual costs

incurred, the Secretary shall refund any excess amounts due to the Post.

Subsection (e) states that the exact acreage and legal description of property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary and the Post.

Subsection (f) allows for the use of a quit claim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary and the Post as a means of exchanging the real property.

Subsection (g) states that the exchange authorized under this section shall be subject to valid existing rights.

Subsection (h) states that title to the federal parcel of real property and non-Federal parcel of real property to be exchanged under this section shall be in a form acceptable to the Secretary.

Subsection (i) states that the land and interests in land acquired by the United States under subsection (b) shall be administered by the Secretary as part of the Gulf Islands National Seashore.

Subsection (j) adjusts the boundary of the Gulf Islands National Seashore upon the completion of the land exchange.

#### COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 9, 2016.*

Hon. LISA MURKOWSKI,  
*Chairman, Committee on Energy and Natural Resources,  
U.S. Senate, Washington, DC.*

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4119, the Gulf Islands National Seashore Land Exchange Act of 2016.

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

Sincerely,

KEITH HALL.

Enclosure.

*H.R. 4119—Gulf Islands National Seashore Land Exchange Act of 2016*

H.R. 4119 would authorize the National Park Service (NPS) to exchange about 2 acres of land within the Gulf Islands National Seashore in Mississippi with the Veterans of Foreign Wars (VFW) Post 5699. The exchange would provide the VFW with an access road.

Based on information from the NPS, CBO estimates that the exchange would not affect the federal budget. Because enacting H.R. 4119 would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 4119 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 4119 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

The act would authorize a land exchange between the federal government and a private entity, and that exchange would have a small incidental effect on property taxes collected by local governments in Mississippi. That effect, however, would not result from an intergovernmental mandate as defined in UMRA.

On February 22, 2016, CBO transmitted a cost estimate for H.R. 4119, the Gulf Islands National Seashore Land Exchange Act of 2016, as ordered reported by the House Committee on Natural Resources on February 3, 2016. The two versions of the legislation are similar and CBO's estimates of their budgetary effects are the same.

The CBO staff contact for this estimate is Jon Sperl. The estimate was approved by H. Samuel Papenfuss, 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 H.R. 4119. 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 H.R. 4119, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

H.R. 4119, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the June 15, 2016, Subcommittee on National Parks hearing on H.R. 4119 follows:

#### STATEMENT OF DR. STEPHANIE TOOTHMAN, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, PARTNERSHIPS, AND SCIENCE, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on H.R. 4119, a bill to authorize the exchange of lands between Gulf Islands National Seashore and the Veterans of Foreign Wars Post 5699, and for other purposes.

The Department supports H.R. 4119 with technical amendments described later in this statement.

The Veterans of Foreign Wars (VFW) Post 5699 owns a piece of property that is bordered on two sides by land owned by the National Park Service (NPS) and managed as part of Gulf Islands National Seashore. The VFW prop-

erty is separated from the public road, with the only access across NPS lands. Under a previous informal agreement with the National Seashore, the VFW created and maintained a one-lane dirt access road across NPS property from the public road to their building. The VFW also removed vegetation and mowed NPS property adjacent to that access road. No right-of-way or special use permit was ever issued.

The VFW approached the National Seashore in 2015 with a proposal to exchange 2.16 acres of undeveloped land, adjacent to NPS land, at the south end of their property for 1.54 acres of NPS land that would connect their property to the public road. This land exchange would formalize the existing land use, providing the VFW with ownership and permanent access, and providing the National Seashore undeveloped acreage adjacent to other undeveloped, NPS-owned lands.

H.R. 4119 would authorize this land exchange. The bill would deem the two properties to be exchanged to be considered equal in value, and would require the VFW to pay for the costs associated with the exchange, including any required costs for environmental compliance. The bill would also modify the boundary of Gulf Islands National Seashore to reflect the land exchange upon its completion.

Finally, the National Park Service recommends a technical amendment to reference an official NPS map in the legislation, and a technical amendment to clarify the boundary modification. We would be pleased to provide the Committee with the recommended language and map.

Mr. Chairman, this concludes my testimony. I would be pleased to answer any questions you or other members of the Subcommittee may have.

#### 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 as ordered reported.

