

Calendar No. 633

106TH CONGRESS }
2d Session }

SENATE

{ REPORT
106-315

CONVEYANCE OF CERTAIN LAND TO PARK COUNTY, WYOMING

JUNE 27, 2000.—Ordered to be printed

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

REPORT

[To accompany S. 1894]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1894) to provide for the conveyance of certain land to Park County, Wyoming, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. CONVEYANCE OF LAND TO PARK COUNTY, WYOMING.

(a) FINDINGS.—Congress finds that—

(1) Over eighty-two percent of the land in Park County, Wyoming, is owned by the federal government;

(2) the parcel of land described in subsection (d) located in Park County has been withdrawn from the public domain for reclamation purposes and is managed by the Bureau of Reclamation;

(3) the land has been subject to a withdrawal review, a level I contaminant survey, and historical, cultural, and archaeological resources surveys by the Bureau of Reclamation;

(4) the Bureau of Land Management has conducted a cadastral survey of the land and has determined that the land is no longer suitable for return to the public domain;

(5) the Bureau of Reclamation and the Bureau of Land Management concur in the recommendation of disposal of the land as described in the documents referred to in paragraphs (3) and (4); and

(6) the County has evinced an interest in using the land for the purposes of local economic development.

(b) DEFINITIONS.—In this Act:

(1) COUNTY.—The term “County” means Park County, Wyoming.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the General Services Administration.

(c) CONVEYANCE.—In consideration of payment of \$240,000 to the Administrator by the County, the Administrator shall convey to the County all right, title, and interest of the United States in and to the parcel of land described in subsection (d).

(d) DESCRIPTION OF PROPERTY.—The parcel of land described in this subsection is the parcel located in the County comprising 190.12 acres, the legal description of which is as follows:

Sixth Principal Meridian, Park County, Wyoming

T. 53 N., R. 101 W.	<i>Acreage</i>
Section 20, S½SE¼SW¼SE¼	5.00
Section 29, Lot 7	9.91
Lot 9	38.24
Lot 10	31.29
Lot 12	5.78
Lot 13	8.64
Lot 14	0.04
Lot 15	9.73
S½NE¼NE¼NW¼	5.00
SW¼NE¼NW¼	10.00
SE¼NW¼NW¼	10.00
NW¼SW¼NW¼	10.00
Tract 101	13.24
Section 30, Lot 31	16.95
Lot 32	16.30

(e) RESERVATION OF RIGHTS.—The instrument of conveyance under subsection (c) shall reserve all rights to locatable, salable, leasable coal, oil or gas resources.

(f) LEASES, EASEMENTS, RIGHTS-OF-WAY, AND OTHER RIGHTS.—The conveyance under subsection (c) shall be subject to any land-use leases, easements, rights-of-way, or valid existing rights in existence as of the date of the conveyance.

(g) ENVIRONMENTAL LIABILITY.—As a condition of the conveyance under subsection (c), the United States shall comply with the provisions of section 9620(h) of title 42, United States Code.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (c) as the Administrator considers appropriate to protect the interests of the United States.

(i) TREATMENT OF AMOUNTS RECEIVED.—The net proceeds received by the United States as payment under subsection (c) shall be deposited into the fund established in section 490(f) of title 40 of the United States Code, and may be expended by the Administrator for real property management and related activities not otherwise provided for, without further authorization.

PURPOSE OF THE MEASURE

The purpose of S. 1894 is to provide for the conveyance of approximately 190 acres of lands administered by the Bureau of Reclamation (BOR) to Park County, Wyoming.

BACKGROUND AND NEED

S. 1894 provides for the conveyance of 190 acres to Park County, Wyoming. Park County will pay the appraised value of \$240,000 for the parcel. The lands to be conveyed were withdrawn in 1916 for BOR's use in the Shoshone Reclamation Project. Over time, leases were issued for five industrial users who have built structures such as office buildings, repair shops, a railroad spur, and warehouses on the land. The area is known as the Cody Industrial Area within the Shoshone Reclamation Project. In 1996, BOR determined that the 190 acres to be conveyed (the land) were no longer needed for BOR purposes.

LEGISLATIVE HISTORY

S. 1894 was introduced on November 9, 1999 by Senators Thomas and Enzi. The Subcommittee on Forests and Public Land Management held a hearing on S. 1894 on March 29, 2000. At the business meeting on June 7, 2000, the Committee on Energy and Natural Resources ordered S. 1894 reported favorably with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on June 7, 2000, by a voice vote of a quorum present recommends that the Senate pass S. 1894 if amended as described herein.

COMMITTEE AMENDMENT

During the consideration of S. 1894, the Committee adopted an amendment in the nature of a substitute. The amendment responds to suggestions made by the administration: to clarify that the sale is to be managed by the General Services Administration (GSA); to clarify the environmental liabilities that may exist on the parcel; and to allow the use of the proceeds by GSA for real property management activities.

SECTION-BY-SECTION ANALYSIS

Section 1(a) describes the findings of the Congress.

Subsection (b) defines terms used in the Act.

Subsection (c) authorizes the Administrator of the General Services Administration (GSA) to convey the parcel described in subsection (d) for \$240,000.

Subsection (d) describes the parcel of land to be conveyed.

Subsection (e) reserves mineral rights.

Subsection (f) subjects the conveyance to existing leases, easements and rights-of-ways.

Subsection (g) requires the United States to comply with Comprehensive Environmental Response, Compensation, and Liability (CERCLA), Title 42, section 9620(h) of the United States Code, as a condition of the conveyance.

Subsection (h) allows the GSA Administrator to require additional terms that may be necessary.

Subsection (i) authorizes the receipts for the parcel's purchase to be expended by the GSA Administrator in the Federal Buildings Fund.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office (CBO) estimate of the costs of this measure follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 15, 2000.

Hon. FRANK H. MURKOWSKI,
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. 1894, a bill to provide for the conveyance of certain lands to Park County, Wyoming.

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. 1894—A bill to provide for the conveyance of certain lands to Park County, Wyoming

CBO estimates that enacting S. 1894 would not significantly affect the federal budget. Because S. 1894 would affect offsetting receipts and direct spending, pay-as-you-go procedures would apply, but CBO estimates that any such changes would be insignificant. S. 1894 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. State and local governments might incur some costs as a result of the bill's enactment, but those costs would be voluntary.

S. 1894 would direct the General Services Administration (GSA) to convey to Park County, Wyoming, in exchange for a payment of \$240,000, about 190 acres of federal lands currently managed by the Department of the Interior (DOI). The administrator of GSA could require additional terms and conditions connected to the conveyance, and would be allowed to spend these receipts. According to DOI, the lands to be conveyed currently do not generate significant receipts, and they are not expected to generate significant receipts over the next 10 years. Based on information from DOI, however, GSA would sell this land under current law for \$200,000 to \$300,000. Thus, enacting this legislation could result in forgone sale receipts of an equivalent amount.

The CBO staff contact is Megan Carroll. This estimate was 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. 1894.

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. 1894, as ordered reported.

EXECUTIVE COMMUNICATIONS

On June 7, 2000 the Committee on Energy and Natural Resources requested legislative reports from the General Services Administration and the Office of Management and Budget setting forth Executive agency recommendations on S. 1894. These reports had not been received at the time the report on S. 1894 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. The testimony provided by the Bureau of Reclamation at the Subcommittee hearing follows:

STATEMENT OF ELUID L. MARTINEZ, COMMISSIONER,
BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to testify on S. 1894, concerning the conveyance of approximately 190 acres of land

to Park County, Wyoming. I am Eluid Martinez, Commissioner of the Bureau of Reclamation (Reclamation).

While the Department supports the conveyance of this land to Park County, we must strongly oppose S. 1894 as currently written. The Department, however, would support legislation that (1) provided for conveyance of the land for fair market value and (2) did not include the provisions of this bill that would shield the current tenants from liability for environmental contamination resulting from the current tenants' actions prior to the date of conveyance. The Department of the Interior and the General Services Administration stand ready to assist the Committee in drafting legislation that would be acceptable to all parties.

The lands to be conveyed were withdrawn in 1916 for Reclamation's use in the Shoshone Reclamation Project. Over time, leases were issued for five industrial users who have built structures such as office buildings, repair shops, a railroad spur, and warehouses on the land. The area is known as the Cody Industrial Area within the Shoshone Reclamation Project. In 1996, Reclamation determined that the 190 acres to be conveyed (the land) were no longer needed for Reclamation purposes.

The Bureau of Land Management (BLM) subsequently determined that the 190 acres in the Cody Industrial Area had “* * * substantially changed in character by improvements or otherwise * * *”, and were, therefore, unsuitable for return to the public domain. Reclamation, as the holding agency of the withdrawal, sent a Report of Excess to the General Services Administration (GSA) on August 26, 1997. Upon accepting Reclamation's Report of Excess, the GSA became responsible for disposing of the lands under the Federal Property and Administrative Services Act. The GSA is required by Acts of Congress to secure fair market value for the American public when public lands are sold.

While we support transfer of these 190 acres to Park County, we cannot support the bill as drafted for two reasons. First, this legislation would require the Secretary of the Interior to convey the land to Park County for \$240,000, significantly less than what the GSA believes to be fair market value. GSA appraised the fair market value of the land at around \$315,000.

Secondly, we must specifically oppose this bill because subsection 1(g)(2) would shield current tenants (on the date of the conveyance) from liability for environmental contamination resulting from the current tenants' actions prior to the date of conveyance. This could subject United States' taxpayers to enormous potential liability for environmental contamination resulting from ongoing industrial enterprises.

This concludes my statement. I will be glad to answer any questions.

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 S. 1894, as ordered reported.

