

Calendar No. 376

115TH CONGRESS
2D SESSION**H. R. 2615****[Report No. 115-228]**

IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 2017

Received; read twice and referred to the Committee on Energy and Natural
Resources

APRIL 11, 2018

Reported by Ms. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

AN ACT

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Gulf Islands National
5 Seashore Land Exchange Act of 2017”.

1 **SEC. 2. LAND EXCHANGE, GULF ISLANDS NATIONAL SEA-**
2 **SHORE, JACKSON COUNTY, MISSISSIPPI.**

3 (a) **LAND EXCHANGE AUTHORIZED.**—The Secretary
4 of the Interior, acting through the Director of the Na-
5 tional Park Service (in this section referred to as the “Sec-
6 retary”) may convey to the Veterans of Foreign Wars Post
7 5699 (in this section referred to as the “Post”) all right,
8 title, and interest of the United States in and to a parcel
9 of real property, consisting of approximately 1.542 acres,
10 located within the Gulf Islands National Seashore in Jack-
11 son County, Mississippi, and identified as “NPS Exchange
12 Area” on the map entitled “Gulf Islands National Sea-
13 shore, Proposed Land Exchange with VFW, Davis Bayou
14 Area—Jackson County, MS”, numbered 635/133309, and
15 dated June 2016.

16 (b) **LAND TO BE ACQUIRED.**—In exchange for the
17 property described in subsection (a), the Post shall convey
18 to the Secretary all right, title, and interest of the Post
19 in and to a parcel of real property, consisting of approxi-
20 mately 2.161 acres, located in Jackson County, Mis-
21 sissippi, and identified as “VFW Exchange Area” on the
22 map described in subsection (a).

23 (c) **EQUAL VALUE EXCHANGE.**—

24 (1) **IN GENERAL.**—The values of the parcels of
25 real property to be exchanged under this section
26 shall be determined by an appraisal conducted—

1 (A) by a qualified and independent ap-
2 praiser; and

3 (B) in accordance with nationally recog-
4 nized appraisal standards.

5 (2) EQUALIZATION.—If the values of the par-
6 cels of real property to be exchanged under this sec-
7 tion, as determined pursuant to paragraph (1), are
8 not equal, the values shall be equalized through—

9 (A) a cash payment; or

10 (B) adjustments to the acreage of the par-
11 cels of real property to be exchanged.

12 (d) PAYMENT OF COSTS OF CONVEYANCE.—

13 (1) PAYMENT REQUIRED.—The Secretary shall
14 require the Post to cover costs to be incurred by the
15 Secretary, or to reimburse the Secretary for such
16 costs incurred by the Secretary, to carry out the
17 land exchange under this section, including survey
18 costs, costs related to environmental documentation,
19 and any other administrative costs related to the
20 land exchange. If amounts are collected from the
21 Secretary in advance of the Secretary incurring the
22 actual costs and the amount collected exceeds the
23 costs actually incurred by the Secretary to carry out
24 the land exchange, the Secretary shall refund the ex-
25 cess amount to the Post.

1 (2) TREATMENT OF AMOUNTS RECEIVED.—

2 Amounts received as reimbursement under para-
3 graph (1) shall be credited to the fund or account
4 that was used to cover those costs incurred by the
5 Secretary in carrying out the land exchange.
6 Amounts so credited shall be merged with amounts
7 in such fund or account and shall be available for
8 the same purposes, and subject to the same condi-
9 tions and limitations, as amounts in such fund or
10 account.

11 (e) DESCRIPTION OF PROPERTY.—The exact acreage
12 and legal description of property to be exchanged under
13 this section shall be determined by surveys satisfactory to
14 the Secretary and the Post.

15 (f) CONVEYANCE AGREEMENT.—The exchange of
16 real property under this section shall be accomplished
17 using a quit claim deed or other legal instrument and upon
18 terms and conditions mutually satisfactory to the Sec-
19 retary and the Post, including such additional terms and
20 conditions as the Secretary considers appropriate to pro-
21 tect the interests of the United States.

22 (g) VALID EXISTING RIGHTS.—The exchange author-
23 ized under this section shall be subject to valid existing
24 rights.

1 (h) **TITLE APPROVAL.**—Title to the real property de-
2 scribed in subsection (a) and the real property described
3 in subsection (b) to be exchanged under this section shall
4 be in a form acceptable to the Secretary.

5 (i) **TREATMENT OF ACQUIRED LAND.**—Land and in-
6 terests in land acquired by the United States under sub-
7 section (b) shall be administered by the Secretary as part
8 of the Gulf Islands National Seashore.

9 (j) **MODIFICATION OF BOUNDARY.**—Upon completion
10 of the land exchange under this section, the Secretary
11 shall modify the boundary of the Gulf Islands National
12 Seashore to reflect such land exchange.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “Gulf Islands National*
15 *Seashore Land Exchange Act”.*

16 **SEC. 2. DEFINITIONS.**

17 *In this Act:*

18 (1) **FEDERAL LAND.**—*The term “Federal land”*
19 *means the parcel of approximately 1.542 acres of land*
20 *that is located within the Gulf Islands National Sea-*
21 *shore in Jackson County, Mississippi, and identified*
22 *as “NPS Exchange Area” on the Map.*

23 (2) **MAP.**—*The term “Map” means the map enti-*
24 *tled “Gulf Islands National Seashore, Proposed Land*
25 *Exchange with VFW, Davis Bayou Area—Jackson*

1 (A) by a qualified and independent ap-
2 praiser; and

3 (B) in accordance with nationally recog-
4 nized appraisal standards.

5 (2) *EQUALIZATION.*—*If the values of the Federal*
6 *land and non-Federal land to be exchanged under this*
7 *section are not equal, the values shall be equalized*
8 *through—*

9 (A) a cash payment; or

10 (B) adjustments to the acreage of the Fed-
11 eral land or non-Federal land to be exchanged,
12 as applicable.

13 (c) *PAYMENT OF COSTS OF CONVEYANCE.*—

14 (1) *PAYMENT REQUIRED.*—*As a condition of the*
15 *exchange authorized under this section, the Secretary*
16 *shall require the Post to pay the costs to be incurred*
17 *by the Secretary, or to reimburse the Secretary for the*
18 *costs incurred by the Secretary, to carry out the ex-*
19 *change, including—*

20 (A) survey costs;

21 (B) any costs relating to environmental doc-
22 umentation; and

23 (C) any other administrative costs relating
24 to the land exchange.

1 (2) *REFUND.*—*If the Secretary collects amounts*
2 *from the Post under paragraph (1) before the Sec-*
3 *retary incurs the actual costs and the amount col-*
4 *lected by the Secretary exceeds the costs actually in-*
5 *curred by the Secretary to carry out the land ex-*
6 *change under this section, the Secretary shall provide*
7 *to the Post a refund of the excess amount paid by the*
8 *Post.*

9 (3) *TREATMENT OF CERTAIN AMOUNTS RE-*
10 *CEIVED.*—*Amounts received by the Secretary from the*
11 *Post as reimbursement for costs incurred under para-*
12 *graph (1) shall be—*

13 (A) *credited to the fund or account from*
14 *which amounts were used to pay the costs in-*
15 *curred by the Secretary in carrying out the land*
16 *exchange;*

17 (B) *merged with amounts in the fund or ac-*
18 *count to which the amounts were credited under*
19 *subparagraph (A); and*

20 (C) *available for the same purposes as, and*
21 *subject to the same conditions and limitations*
22 *applicable to, amounts in the fund or account to*
23 *which the amounts were credited under subpara-*
24 *graph (A).*

1 (d) *DESCRIPTION OF FEDERAL LAND AND NON-FED-*
2 *ERAL LAND.*—*The exact acreage and legal description of the*
3 *Federal land and non-Federal land to be exchanged under*
4 *this section shall be determined by surveys that are deter-*
5 *mined to be satisfactory by the Secretary and the Post.*

6 (e) *CONVEYANCE AGREEMENT.*—*The exchange of Fed-*
7 *eral land and non-Federal land under this section shall*
8 *be—*

9 (1) *carried out through a quitclaim deed or other*
10 *legal instrument; and*

11 (2) *subject to such terms and conditions as are*
12 *mutually satisfactory to the Secretary and the Post,*
13 *including such additional terms and conditions as the*
14 *Secretary considers to be appropriate to protect the*
15 *interests of the United States.*

16 (f) *VALID EXISTING RIGHTS.*—*The exchange of Fed-*
17 *eral land and non-Federal land authorized under this sec-*
18 *tion shall be subject to valid existing rights.*

19 (g) *TITLE APPROVAL.*—*Title to the Federal land and*
20 *non-Federal land to be exchanged under this section shall*
21 *be in a form acceptable to the Secretary.*

22 (h) *TREATMENT OF ACQUIRED LAND.*—*Any non-Fed-*
23 *eral land and interests in non-Federal land acquired by the*
24 *United States under this section shall be administered by*
25 *the Secretary as part of the Gulf Islands National Seashore.*

1 (i) *MODIFICATION OF BOUNDARY.*—On completion of
2 *the exchange of Federal land and non-Federal land under*
3 *this section, the Secretary shall modify the boundary of the*
4 *Gulf Islands National Seashore to reflect the exchange of*
5 *Federal land and non-Federal land.*

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