

110TH CONGRESS
1ST SESSION

H. R. 316

To direct the Secretary of Agriculture to convey to the village of Santa Clara, the city of Bayard, or the county of Grant, in the State of New Mexico, in tracts of not less than 40 acres, at market price at its present state of use as agricultural grazing lands as determined by the Secretary, for business and community development, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2007

Mr. PEARCE introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Agriculture to convey to the village of Santa Clara, the city of Bayard, or the county of Grant, in the State of New Mexico, in tracts of not less than 40 acres, at market price at its present state of use as agricultural grazing lands as determined by the Secretary, for business and community development, 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,*

1 **SECTION 1. CONVEYANCE OF LAND.**

2 (a) IN GENERAL.—Subject to this Act, the Secretary
3 of Agriculture (hereafter in this Act referred to as the
4 “Secretary”) shall convey the lands described in sub-
5 section (b) to one or more eligible buyers for the purpose
6 of business and community development.

7 (b) LAND DESCRIBED.—The lands to be conveyed
8 under subsection (a) are the following lands that were for-
9 merly part of the Fort Bayard Military Reservation, Grant
10 County, New Mexico, comprising approximately 1499
11 acres, and are situated in sections:

12 Township 17 South, Range 12 West, New Mex-
13 ico Principal Meridian.

14 Section 30, all within the former Fort Bayard
15 Military Reservation (31 acres more or less).

16 Section 31, all within the former Fort Bayard
17 Military Reservation (155 acres more or less).

18 Township 17 South, Range 13 West, New Mex-
19 ico Principal Meridian.

20 Section 34, all within the former Fort Bayard
21 Military Reservation (584 acres more or less).

22 Section 35, all within the former Fort Bayard
23 Military Reservation less lands conveyed under other
24 Federal authorities to the Village of Central (Santa
25 Clara), and the State of New Mexico (216 acres
26 more or less).

1 Section 36, all within the former Fort Bayard
2 Military Reservation (513 acres more or less).

3 (c) ELIGIBLE BUYERS.—For the purposes of this
4 Act, eligible buyers are the village of Santa Clara, the city
5 of Bayard, and the county of Grant, in the State of New
6 Mexico.

7 **SEC. 2. CONDITIONS.**

8 In making the conveyance under section 1, the Sec-
9 retary—

10 (1) shall sell the land in tracts of not less than
11 40 acres;

12 (2) shall require as consideration for the land
13 the market price of the land in its present state of
14 use as agricultural grazing lands as determined by
15 the Secretary;

16 (3) shall protect all valid existing rights;

17 (4) shall reserve easements for existing facilities
18 such as roads, telephone lines, pipelines, electric
19 power transmission lines, or other facilities or im-
20 provements in place;

21 (5) shall reserve such easements for roads as
22 the Secretary of Agriculture finds necessary to as-
23 sure access to lands of the United States or to meet
24 public needs; and

1 (6) may contain such additional terms, condi-
2 tions, reservations, and restrictions as may be deter-
3 mined by the Secretary to be necessary to protect
4 the interests of the United States.

5 **SEC. 3. APPROVAL OF ALL PARTIES REQUIRED FOR CON-**
6 **VEYANCE.**

7 The Secretary shall not make a conveyance under this
8 Act to any one of the eligible buyers, without written ap-
9 proval of the two nonacquiring eligible buyers.

10 **SEC. 4. HISTORIC OR PREHISTORIC SITES.**

11 If historic or prehistoric cultural properties are lo-
12 cated upon the lands to be conveyed, the Secretary shall
13 be responsible for the costs and recovery of these sites and
14 shall do so in a timely manner so as not to unduly restrict
15 future use of the selected lands by the acquiring party.
16 The Secretary may, at the Secretary's discretion, use a
17 deed reservation to retain historic or prehistoric properties
18 in the ownership of the United States instead of site recov-
19 ery, if agreeable to the acquiring party.

20 **SEC. 5. SALE OF MINERAL INTERESTS.**

21 Upon application by the acquiring party, all the undi-
22 vided mineral interest of the United States in any parcel
23 or tract sold pursuant to this Act shall be conveyed to
24 the acquiring party or its successor in title by the Sec-
25 retary of the Interior. In areas where the Secretary of the

1 Interior determines that there is no active mineral devel-
2 opment or leasing, and that the lands have no mineral
3 value, the mineral interests covered by a single application
4 shall be sold for a consideration of \$1. In other areas the
5 mineral interests shall be sold at the fair market value
6 thereof as determined by the Secretary of the Interior
7 after taking into consideration such appraisals as the Sec-
8 retary of the Interior deems necessary or appropriate.

9 **SEC. 6. ADMINISTRATIVE COSTS.**

10 (a) DEPOSIT AND PAYMENT.—Each application for
11 a conveyance to be made under this Act shall be accom-
12 panied by a nonrefundable deposit to be applied to related
13 administrative costs as determined by the Secretary of the
14 Interior. If the conveyance is made pursuant to an applica-
15 tion, the applicant shall pay to the Secretary of the Inte-
16 rior the full administrative costs, less the deposit. If a con-
17 veyance is not made pursuant to the application, the de-
18 posit shall constitute full satisfaction of such administra-
19 tive costs notwithstanding that the administrative costs
20 exceed the deposit.

21 (b) DEFINITION.—For the purposes of this Act, the
22 term “administrative costs” includes, in addition to other
23 items, all costs that the Secretary of the Interior deter-
24 mines are included in a determination of—

1 (1) the mineral character of the land in ques-
2 tion; and

3 (2) the fair market value of the mineral inter-
4 est.

5 **SEC. 7. AMOUNTS PAID INTO TREASURY.**

6 Amounts paid to the Secretary of the Interior under
7 this Act shall be paid into the Treasury of the United
8 States as miscellaneous receipts.

○