

## Calendar No. 556

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 486****[Report No. 109–313]**

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## IN THE SENATE OF THE UNITED STATES

MARCH 15, 2005

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

JULY 31, 2006

Reported by Mr. DOMENICI, with an amendment

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

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**AN ACT**

To provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

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. LAND EXCHANGE, PRIVATE AND PUBLIC LAND**  
2 **IN VICINITY OF HOLLOMAN AIR FORCE BASE,**  
3 **NEW MEXICO.**

4 (a) CONVEYANCE OF PUBLIC LAND.—In exchange  
5 for the land described in subsection (b), the Secretary of  
6 the Interior shall convey to Randal, Jeffrey, and Timothy  
7 Rabon of Otero County, New Mexico (in this section re-  
8 ferred to as the “Rabons”), all right, title, and interest  
9 of the United States in and to certain public land adminis-  
10 tered by the Secretary through the Bureau of Land Man-  
11 agement consisting of a total of approximately 320 acres,  
12 as depicted on the map entitled “Alamogordo Rabon Land  
13 Exchange” and dated September 24, 2004, and more spe-  
14 cifically described as follows:

15 (1) SE $\frac{1}{4}$  of section 6, township 17 south, range  
16 10 east, New Mexico principal meridian.

17 (2) N $\frac{1}{2}$ N $\frac{1}{2}$  of section 7, township 17 south,  
18 range 10 east, New Mexico principal meridian.

19 (b) CONSIDERATION.—As consideration for the con-  
20 veyance of the real property under subsection (a), the  
21 Rabons shall convey to the United States all right, title,  
22 and interest held by the Rabons in and to three parcels  
23 of land depicted on the map referred to in subsection (a),  
24 which consists of approximately 241 acres, is contiguous  
25 to Holloman Air Force Base, New Mexico, and is located  
26 within the required safety zone surrounding munitions

1 storage bunkers at the installation. The Secretary shall  
 2 assume jurisdiction over the land acquired under this sub-  
 3 section. The three parcels are more specifically described  
 4 as follows:

5           (1) Lot 4 in the S1/2 of section 30, township  
 6       16 south, range 9 east, New Mexico principal merid-  
 7       ian, consisting of approximately 17.6 acres.

8           (2) E1/2SW1/4 of section 31, township 16  
 9       south, range 9 east, New Mexico principal meridian,  
 10       consisting of approximately 80 acres.

11          (3) Lots 1, 2, 3, and 4 of section 31, township  
 12       16 south, range 9 east, New Mexico principal merid-  
 13       ian, consisting of approximately 143 acres.

14       (c) INTERESTS INCLUDED IN EXCHANGE.—Subject  
 15 to valid existing rights, the land exchange under this sec-  
 16 tion shall include conveyance of all surface, subsurface,  
 17 mineral, and water rights in the lands.

18       (d) COMPLIANCE WITH EXISTING LAW.—(1) The  
 19 Secretary shall carry out the land exchange under this sec-  
 20 tion in the manner provided in section 206 of the Federal  
 21 Land Policy Management Act of 1976 (43 U.S.C. 1716).  
 22 Notwithstanding subsection (b) of such section, if nec-  
 23 essary, a cash equalization payment may be made in ex-  
 24 cess of 25 percent of the appraised value of the public  
 25 land to be conveyed under subsection (a).

1       (2) The cost of the appraisals performed as part of  
 2 the land exchange shall be borne by the Secretary.

3       (c) ~~ADDITIONAL TERMS AND CONDITIONS.~~—The  
 4 Secretary may require such additional terms and condi-  
 5 tions in connection with the land exchange under this sec-  
 6 tion as the Secretary considers appropriate to protect the  
 7 interests of the United States.

8 **SECTION 1. SHORT TITLE.**

9       *This Act may be cited as the “Holloman Air Force*  
 10 *Base Land Exchange Act”.*

11 **SEC. 2. DEFINITIONS.**

12       *In this Act:*

13           (1) *FEDERAL LAND.*—*The term “Federal land”*  
 14 *means the land administered by the Secretary con-*  
 15 *sisting of a total of approximately 320 acres, as de-*  
 16 *scribed on the map.*

17           (2) *MAP.*—*The term “map” means the map enti-*  
 18 *tled “Holloman AFB Land Exchange” and dated*  
 19 *May 19, 2006.*

20           (3) *NON-FEDERAL LAND.*—*The term “non-Fed-*  
 21 *eral land” means the parcel consisting of a total of*  
 22 *approximately 241 acres of land, as depicted on the*  
 23 *map, that is—*

24                   (A) *contiguous to Holloman Air Force Base,*  
 25                   *New Mexico; and*

1                   (B) located within the required safety zone  
2                   surrounding munitions storage bunkers at the  
3                   installation.

4                   (4) OWNER.—The term “owner” means an owner  
5                   that is able to convey to the United States clear title  
6                   to the non-Federal land.

7                   (5) SECRETARY.—The term “Secretary” means  
8                   the Secretary of the Interior.

9   **SEC. 3. LAND EXCHANGE.**

10           (a) IN GENERAL.—If the owner submits to the Sec-  
11           retary a request to exchange the non-Federal land for the  
12           Federal land or a portion of the Federal land, the Secretary  
13           shall convey to the owner all right, title, and interest of  
14           the United States in and to the Federal land or the applica-  
15           ble portion of the Federal land.

16           (b) CONSIDERATION.—As consideration for the convey-  
17           ance of the Federal land under subsection (a), the owner  
18           shall convey to the United States all right, title, and interest  
19           of the owner in and to the non-Federal land.

20           (c) ADDITION TO MILITARY RESERVATION.—On acqui-  
21           sition of the non-Federal land by the Secretary, the Sec-  
22           retary shall—

23                   (1) assume jurisdiction over the non-Federal  
24                   land; and

1           (2) *amend the withdrawal for the Holloman Air*  
 2           *Force Base to include the non-Federal land.*

3           (d) *INTERESTS INCLUDED IN EXCHANGE.*—Subject to  
 4 *valid existing rights, the land exchange under this Act shall*  
 5 *include the conveyance of all surface, subsurface, mineral,*  
 6 *and water rights to the Federal land and non-Federal land*  
 7 *exchanged.*

8           (e) *COMPLIANCE WITH FEDERAL LAND POLICY AND*  
 9 *MANAGEMENT ACT.*—

10           (1) *IN GENERAL.*—Except as provided in para-  
 11 *graph (2), the Secretary shall carry out the land ex-*  
 12 *change under this section in accordance with section*  
 13 *206 of the Federal Land Policy and Management Act*  
 14 *of 1976 (43 U.S.C. 1716).*

15           (2) *CASH EQUALIZATION.*—Notwithstanding sec-  
 16 *tion 206(b) of the Federal Land Policy and Manage-*  
 17 *ment Act of 1976 (43 U.S.C. 1716(b)), a cash equali-*  
 18 *zation payment may be made in excess of 25 percent*  
 19 *of the appraised value of the Federal land.*

20           (f) *NO AMENDMENT TO MANAGEMENT PLAN RE-*  
 21 *QUIRED.*—The exchange of Federal land and non-Federal  
 22 land shall not require an amendment to the White Sands  
 23 Resource Management Plan.

24           (g) *DISPOSITION AND USE OF PROCEEDS.*—

1           (1) *DISPOSITION OF PROCEEDS.*—*The Secretary*  
2           *shall deposit any cash equalization payments received*  
3           *under this Act in the Federal Land Disposal Account*  
4           *established under section 206(a) of the Federal Land*  
5           *Transaction Facilitation Act (43 U.S.C. 2305(a)).*

6           (2) *USE OF PROCEEDS.*—*Amounts deposited*  
7           *under paragraph (1) shall be expended in accordance*  
8           *with section 206(c) of the Federal Land Transaction*  
9           *Facilitation Act (43 U.S.C. 2305(c)).*

10          (h) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*  
11          *retary may require any additional terms and conditions*  
12          *for the land exchange that the Secretary considers to be ap-*  
13          *propriate to protect the interests of the United States.*

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