

112TH CONGRESS  
2D SESSION

# H. R. 6344

To direct the Secretary of Agriculture to convey lands of the former Fort Bayard Military Reservation in Grant County, New Mexico, to the village of Santa Clara, the city of Bayard, or the county of Grant in that State, in tracts of not less than 40 acres, and 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.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2012

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

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## A BILL

To direct the Secretary of Agriculture to convey lands of the former Fort Bayard Military Reservation in Grant County, New Mexico, to the village of Santa Clara, the city of Bayard, or the county of Grant in that State, in tracts of not less than 40 acres, and 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, FORMER FORT BAY-**  
2 **ARD MILITARY RESERVATION, GRANT COUN-**  
3 **TY, NEW MEXICO.**

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

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

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

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

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

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

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

23 Section 35, all within the former Fort Bayard  
24 Military Reservation less lands conveyed under other  
25 Federal authorities to the Village of Central (Santa

1 Clara), and the State of New Mexico (216 acres  
2 more or less).

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

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

9 **SEC. 2. CONDITIONS.**

10 In making the conveyance under section 1, the Sec-  
11 retary of Agriculture—

12 (1) shall sell the land in tracts of not less than  
13 40 acres;

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

18 (3) shall protect all valid existing rights;

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

23 (5) shall reserve such easements for roads as  
24 the Secretary of Agriculture finds necessary to as-

1       sure access to lands of the United States or to meet  
2       public needs; and

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

7       **SEC. 3. APPROVAL OF ALL PARTIES REQUIRED FOR CON-**  
8               **VEYANCE.**

9       The Secretary of Agriculture shall not make a con-  
10      veyance under this Act to any one of the eligible buyers,  
11      without written approval of the two nonacquiring eligible  
12      buyers.

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

14      If historic or prehistoric cultural properties are lo-  
15      cated upon the lands to be conveyed under section 1, the  
16      Secretary of Agriculture shall be responsible for the costs  
17      and recovery of these sites and shall do so in a timely  
18      manner so as not to unduly restrict future use of the se-  
19      lected lands by the acquiring party. The Secretary may,  
20      at the Secretary's discretion, use a deed reservation to re-  
21      tain historic or prehistoric properties in the ownership of  
22      the United States instead of site recovery, if agreeable to  
23      the acquiring party.

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

2 (a) INCLUSION IN CONVEYANCE.—Upon application  
3 by the acquiring party, all the undivided mineral interest  
4 of the United States in any parcel or tract sold pursuant  
5 to this Act shall be conveyed to the acquiring party or  
6 its successor in title by the Secretary of the Interior. In  
7 areas where the Secretary of the Interior determines that  
8 there is no active mineral development or leasing, and that  
9 the lands have no mineral value, the mineral interests cov-  
10 ered by a single application shall be sold for a consider-  
11 ation of \$1. In other areas the mineral interests shall be  
12 sold at the fair market value thereof as determined by the  
13 Secretary of the Interior after taking into consideration  
14 such appraisals as the Secretary of the Interior deems nec-  
15 essary or appropriate.

16 (b) ADMINISTRATIVE COSTS.—

17 (1) DEPOSIT AND PAYMENT.—Each application  
18 for a conveyance to be made under this Act shall be  
19 accompanied by a nonrefundable deposit to be ap-  
20 plied to related administrative costs as determined  
21 by the Secretary of the Interior. If the conveyance  
22 is made pursuant to an application, the applicant  
23 shall pay to the Secretary of the Interior the full ad-  
24 ministrative costs, less the deposit. If a conveyance  
25 is not made pursuant to the application, the deposit  
26 shall constitute full satisfaction of such administra-

1       tive costs notwithstanding that the administrative  
2       costs exceed the deposit.

3           (2) DEFINITION.—For the purposes of this sec-  
4       tion, the term “administrative costs” includes, in ad-  
5       dition to other items, all costs that the Secretary of  
6       the Interior determines are included in a determina-  
7       tion of—

8           (A) the mineral character of the land in  
9       question; and

10          (B) the fair market value of the mineral  
11       interest.

12       (c) AMOUNTS PAID INTO TREASURY.—Amounts paid  
13       to the Secretary of the Interior under this section shall  
14       be paid into the Treasury of the United States as miscella-  
15       neous receipts.

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