

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MS. ESCOBAR OF TEXAS

At the appropriate place in subtitle D of title XXVIII, insert the following:

1 **SEC. 28__ . LAND CONVEYANCE, FORT BLISS, EL PASO,**
2 **TEXAS.**

3 (a) CONVEYANCE AUTHORIZED.—

4 (1) IN GENERAL.—The Secretary of the Army
5 (in this section referred to as the “Secretary”) may
6 convey to El Paso Water of El Paso Public Service
7 Board and El Paso Water Utilities (in this section
8 referred to as “El Paso Water”), all right, title, and
9 interest of the United States in and to a parcel of
10 real property, including any improvements thereon,
11 consisting of approximately 45.3 acres, known as the
12 Kay Bailey Hutchison Desalination Plant, and an
13 adjoining parcel of approximately 20 acres, located
14 on Fort Bliss, Texas, for the purposes of stormwater
15 flood control for Fort Bliss and neighboring commu-
16 nity.

17 (2) CONTINUATION OF EXISTING EASEMENTS,
18 RESTRICTIONS, AND COVENANTS.—The conveyance

1 of the property under paragraph (1) shall be subject
2 to the existing easement, numbered DACA63-2-09-
3 0524 and titled “Easement for desalination plant,
4 water pipeline and related support structures in sup-
5 port of a water supply agreement” (in this section
6 referred to as the “existing easement”).

7 (b) CONSIDERATION.—

8 (1) CONSIDERATION REQUIRED.—As consider-
9 ation for the conveyance under subsection (a), El
10 Paso Water shall pay to the Secretary an amount
11 equal to not less than the fair market value of the
12 property to be conveyed and subject to the existing
13 easement, as determined by the Secretary, which
14 may consist of cash payment, in-kind consideration
15 as described in paragraph (2), or a combination
16 thereof.

17 (2) IN-KIND CONSIDERATION.—In-kind consid-
18 eration provided by El Paso Water under paragraph
19 (1) may include one or more of the following:

20 (A) Discounted or stabilized water com-
21 modity rates in accordance the terms and condi-
22 tions of any water service or supply agreements
23 currently in place and referenced in the existing
24 easement.

1 (B) The acquisition, construction, provi-
2 sion, improvement, maintenance, repair, or res-
3 toration (including environmental or munitions
4 remediation), or a combination thereof, of prop-
5 erty, facilities, or infrastructure located on the
6 Castner Range National Monument, which con-
7 sists of approximately 6,672 acres, as des-
8 ignated by the President on March 21, 2023,
9 under the authority of section 320301 of title
10 54, United States Code (commonly referred to
11 as the “Antiquities Act”).

12 (C) The delivery of services relating to the
13 needs of Fort Bliss that the Secretary considers
14 acceptable.

15 (c) REVERSIONARY INTEREST.—

16 (1) IN GENERAL.—If the Secretary determines
17 at any time that the real property conveyed under
18 subsection (a) is not being used in accordance with
19 the purpose of the conveyance specified in such sub-
20 section, all right, title, and interest in and to such
21 real property, including any improvements thereto,
22 may, at the option of the Secretary, revert to and
23 become the property of the United States, and the
24 United States may have the right of immediate
25 entry onto such property.

1 (2) DETERMINATION.—A determination by the
2 Secretary under paragraph (1) may be made on the
3 record after an opportunity for a hearing.

4 (c) PAYMENT OF COSTS OF CONVEYANCE.—

5 (1) PAYMENT REQUIRED.—The Secretary may
6 require El Paso Water to cover all costs, to include
7 appraisals (except costs for environmental remedi-
8 ation of the property) to be incurred by the Sec-
9 retary, or to reimburse the Secretary for costs in-
10 curred by the Secretary, to carry out the conveyance
11 under subsection (a), including costs for environ-
12 mental and real estate due diligence and any other
13 administrative costs related to the conveyance.

14 (2) REFUND OF EXCESS AMOUNTS.—If
15 amounts are collected from El Paso Water under
16 paragraph (1) in advance of the Secretary incurring
17 the actual costs, and the amount collected exceeds
18 the costs actually incurred by the Secretary to carry
19 out the conveyance under subsection (a), the Sec-
20 retary shall refund the excess amount to El Paso
21 Water.

22 (d) LIMITATION ON SOURCE OF FUNDS.—El Paso
23 Water may not use Federal funds to cover any portion
24 of the costs required to be paid by El Paso Water under
25 this section.

1 (e) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal description of the property to be conveyed under
3 subsection (a) shall be determined by a survey satisfactory
4 to the Secretary.

5 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
6 retary may require such additional terms and conditions
7 in connection with the conveyance under subsection (a) as
8 the Secretary considers appropriate to protect the inter-
9 ests of the United States.

