

118TH CONGRESS
2D SESSION

S. 5529

To authorize the conveyance by the Secretary of the Army of certain property located at Fort Bliss, Texas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2024

Mr. CRUZ introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To authorize the conveyance by the Secretary of the Army of certain property located at Fort Bliss, Texas, 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. LAND CONVEYANCE, FORT BLISS, EL PASO,**
4 **TEXAS.**

5 (a) CONVEYANCE AUTHORIZED.—

6 (1) IN GENERAL.—The Secretary of the Army
7 (in this section referred to as the “Secretary”) may
8 convey to El Paso Water of the Public Service
9 Board in El Paso, Texas (in this section referred to
10 as “El Paso Water”), all right, title, and interest of

1 the United States in and to a parcel of real prop-
2 erty, including any improvements thereon, consisting
3 of approximately 45.3 acres, known as the Kay Bai-
4 ley Hutchison Desalination Plant, and an adjoining
5 parcel of approximately 20 acres, located at Fort
6 Bliss, Texas, for the purposes of stormwater flood
7 control for Fort Bliss and the neighboring area.

8 (2) CONTINUATION OF EXISTING EASEMENTS,
9 RESTRICTIONS, AND COVENANTS.—The conveyance
10 of the property under paragraph (1) shall be subject
11 to any existing easement, restriction, and covenant,
12 including the easement numbered DACA63–2–09–
13 0524 and titled “Easement for desalination plant,
14 water pipeline and related support structures in sup-
15 port of a water supply agreement” (in this section
16 referred to as the “existing easement”).

17 (b) PAYMENT OF FAIR MARKET VALUE.—

18 (1) IN GENERAL.—As consideration for the con-
19 veyance under subsection (a), El Paso Water shall
20 pay to the Secretary an amount equal to the fair
21 market value of the property to be conveyed as de-
22 termined by the Secretary, which may consist of
23 cash payment, in-kind consideration as described in
24 paragraph (2), or a combination thereof.

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

4 (A) Discounted or stabilized water com-
5 modity rates in accordance with the terms and
6 conditions of any water service or supply agree-
7 ment in place on the date of the enactment of
8 this Act and referenced in the existing ease-
9 ment.

10 (B) The delivery of services relating to the
11 needs of Fort Bliss that the Secretary considers
12 acceptable.

13 (c) REVERSIONARY INTEREST.—

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

23 (2) OPPORTUNITY FOR HEARING.—A deter-
24 mination by the Secretary under paragraph (1) may

1 be made on the record after an opportunity for a
2 hearing.

3 (d) PAYMENT OF COSTS OF CONVEYANCE.—

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

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

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

1 (f) 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 (g) ADDITIONAL TERMS AND CONDITIONS.—The
6 Secretary may require such additional terms and condi-
7 tions in connection with the conveyance under subsection
8 (a) as the Secretary considers appropriate to protect the
9 interests of the United States.

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