

Calendar No. 719

115TH CONGRESS
2D SESSION

S. 441

To designate the Organ Mountains and other public land as components of the National Wilderness Preservation System in the State of New Mexico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17 (legislative day, FEBRUARY 16), 2017

Mr. UDALL (for himself and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

DECEMBER 5, 2018

Reported by Ms. MURKOWSKI, with an amendment

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

A BILL

To designate the Organ Mountains and other public land as components of the National Wilderness Preservation System in the State of New Mexico, 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. SHORT TITLE.**

2 This Act may be cited as the “Organ Mountains-
3 Desert Peaks Conservation Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **MONUMENT.**—The term “Monument”
7 means the Organ Mountains-Desert Peaks National
8 Monument established by Presidential Proclamation
9 9131 (79 Fed. Reg. 30431).

10 (2) **SECRETARY.**—The term “Secretary” means
11 the Secretary of the Interior.

12 (3) **STATE.**—The term “State” means the State
13 of New Mexico.

14 (4) **WILDERNESS AREA.**—The term “wilderness
15 area” means a wilderness area designated by section
16 3(a).

17 **SEC. 3. DESIGNATION OF WILDERNESS AREAS.**

18 (a) **IN GENERAL.**—In accordance with the Wilderness
19 Act (16 U.S.C. 1131 et seq.), the following areas in the
20 State are designated as wilderness and as components of
21 the National Wilderness Preservation System:

22 (1) **ADEN LAVA FLOW WILDERNESS.**—Certain
23 land administered by the Bureau of Land Manage-
24 ment in Doña Ana County comprising approximately
25 27,673 acres, as generally depicted on the map enti-
26 tled “Petrillo Mountains Complex” and dated April

1 18, 2016, which shall be known as the “Aden Lava
2 Flow Wilderness”.

3 ~~(2) BROAD CANYON WILDERNESS.~~—Certain
4 land administered by the Bureau of Land Manage-
5 ment in Doña Ana County comprising approximately
6 13,902 acres, as generally depicted on the map enti-
7 tled “Desert Peaks Complex” and dated April 13,
8 2016, which shall be known as the “Broad Canyon
9 Wilderness”.

10 ~~(3) CINDER CONE WILDERNESS.~~—Certain land
11 administered by the Bureau of Land Management in
12 Doña Ana County comprising approximately 16,935
13 acres, as generally depicted on the map entitled
14 “Petrillo Mountains Complex” and dated April 18,
15 2016, which shall be known as the “Cinder Cone
16 Wilderness”.

17 ~~(4) ORGAN MOUNTAINS WILDERNESS.~~—Certain
18 land administered by the Bureau of Land Manage-
19 ment in Doña Ana County comprising approximately
20 19,916 acres, as generally depicted on the map enti-
21 tled “Organ Mountains Area” and dated September
22 21, 2016, which shall be known as the “Organ
23 Mountains Wilderness”, the boundary of which shall
24 be offset 400 feet from the centerline of Dripping

1 Springs Road in T. 23 S., R. 04 E., sec. 7, New
 2 Mexico Principal Meridian.

3 (5) POTRILLO MOUNTAINS WILDERNESS.—Cer-
 4 tain land administered by the Bureau of Land Man-
 5 agement in Doña Ana and Luna counties comprising
 6 approximately 125,854 acres, as generally depicted
 7 on the map entitled “Potrillo Mountains Complex”
 8 and dated April 18, 2016, which shall be known as
 9 the “Potrillo Mountains Wilderness”.

10 (6) ROBLEDO MOUNTAINS WILDERNESS.—Cer-
 11 tain land administered by the Bureau of Land Man-
 12 agement in Doña Ana County comprising approxi-
 13 mately 16,776 acres, as generally depicted on the
 14 map entitled “Desert Peaks Complex” and dated
 15 April 13, 2016, which shall be known as the
 16 “Robledo Mountains Wilderness”.

17 (7) SIERRA DE LAS UVAS WILDERNESS.—Cer-
 18 tain land administered by the Bureau of Land Man-
 19 agement in Doña Ana County comprising approxi-
 20 mately 11,114 acres, as generally depicted on the
 21 map entitled “Desert Peaks Complex” and dated
 22 April 13, 2016, which shall be known as the “Sierra
 23 de las Uvas Wilderness”.

24 (8) WHITETHORN WILDERNESS.—Certain land
 25 administered by the Bureau of Land Management in

1 Doña Ana and Luna counties comprising approxi-
 2 mately 9,616 acres, as generally depicted on the
 3 map entitled “Potrillo Mountains Complex” and
 4 dated April 18, 2016, which shall be known as the
 5 “Whitethorn Wilderness”.

6 (b) MAPS AND LEGAL DESCRIPTIONS.—

7 (1) IN GENERAL.—As soon as practicable after
 8 the date of enactment of this Act, the Secretary
 9 shall file maps and legal descriptions of the wilder-
 10 ness areas with—

11 (A) the Committee on Energy and Natural
 12 Resources of the Senate; and

13 (B) the Committee on Natural Resources
 14 of the House of Representatives.

15 (2) FORCE OF LAW.—The maps and legal de-
 16 scriptions filed under paragraph (1) shall have the
 17 same force and effect as if included in this Act, ex-
 18 cept that the Secretary may correct errors in the
 19 maps and legal descriptions.

20 (3) PUBLIC AVAILABILITY.—The maps and
 21 legal descriptions filed under paragraph (1) shall be
 22 on file and available for public inspection in the ap-
 23 propriate offices of the Bureau of Land Manage-
 24 ment.

1 (c) ~~MANAGEMENT.~~—Subject to valid existing rights,
 2 the wilderness areas shall be administered by the Sec-
 3 retary—

4 (1) as components of the National Landscape
 5 Conservation System; and

6 (2) in accordance with—

7 (A) this Act; and

8 (B) the Wilderness Act (16 U.S.C. 1131 et
 9 seq.); except that—

10 (i) any reference in the Wilderness
 11 Act to the effective date of that Act shall
 12 be considered to be a reference to the date
 13 of enactment of this Act; and

14 (ii) any reference in the Wilderness
 15 Act to the Secretary of Agriculture shall be
 16 considered to be a reference to the Sec-
 17 retary of the Interior.

18 (d) ~~INCORPORATION OF ACQUIRED LAND AND IN-~~
 19 ~~TERESTS IN LAND.~~—Any land or interest in land that is
 20 within the boundary of a wilderness area that is acquired
 21 by the United States shall—

22 (1) become part of the wilderness area within
 23 the boundaries of which the land is located; and

24 (2) be managed in accordance with—

1 (A) the Wilderness Act (~~16 U.S.C. 1131 et~~
2 seq.);

3 (B) this Act; and

4 (C) any other applicable laws.

5 (e) ~~GRAZING.~~—Grazing of livestock in the wilderness
6 areas, where established before the date of enactment of
7 this Act, shall be administered in accordance with—

8 (1) section 4(d)(4) of the Wilderness Act (~~16~~
9 U.S.C. ~~1133(d)(4)~~); and

10 (2) the guidelines set forth in Appendix A of
11 the Report of the Committee on Interior and Insular
12 Affairs to accompany H.R. 2570 of the 101st Con-
13 gress (H. Rept. 101-405).

14 (f) ~~MILITARY OVERFLIGHTS.~~—Nothing in this sec-
15 tion restricts or precludes—

16 (1) low-level overflights of military aircraft over
17 the wilderness areas, including military overflights
18 that can be seen or heard within the wilderness
19 areas;

20 (2) the designation of new units of special air-
21 space over the wilderness areas; or

22 (3) the use or establishment of military flight
23 training routes over the wilderness areas.

24 (g) ~~BUFFER ZONES.~~—

1 (1) IN GENERAL.—Nothing in this section cre-
 2 ates a protective perimeter or buffer zone around
 3 any wilderness area.

4 (2) ACTIVITIES OUTSIDE WILDERNESS
 5 AREAS.—The fact that an activity or use on land
 6 outside any wilderness area can be seen or heard
 7 within the wilderness area shall not preclude the ac-
 8 tivity or use outside the boundary of the wilderness
 9 area.

10 (h) PARAGLIDING.—The use of paragliding within
 11 areas of the Potrillo Mountains Wilderness designated by
 12 subsection (a)(5) in which the use has been established
 13 before the date of enactment of this Act, shall be allowed
 14 to continue in accordance with section 4(d)(1) of the Wil-
 15 derness Act (16 U.S.C. 1133(d)(1)), subject to any terms
 16 and conditions that the Secretary determines to be nec-
 17 essary.

18 (i) CLIMATOLOGIC DATA COLLECTION.—Subject to
 19 such terms and conditions as the Secretary may prescribe,
 20 nothing in this Act precludes the installation and mainte-
 21 nance of hydrologic, meteorologic, or climatologic collec-
 22 tion devices in wilderness areas if the facilities and access
 23 to the facilities are essential to flood warning, flood con-
 24 trol, or water reservoir operation activities.

1 (j) FISH AND WILDLIFE.—Nothing in this Act af-
 2 fects the jurisdiction of the State with respect to fish and
 3 wildlife located on public land in the State, except that
 4 the Secretary, after consultation with the New Mexico De-
 5 partment of Game and Fish, may designate zones where,
 6 and establish periods during which, no hunting or fishing
 7 shall be permitted for reasons of public safety, administra-
 8 tion, or compliance with applicable law.

9 (k) WITHDRAWALS.—

10 (1) IN GENERAL.—Subject to valid existing
 11 rights, the Federal land within the wilderness areas
 12 and any land or interest in land that is acquired by
 13 the United States in the wilderness areas after the
 14 date of enactment of this Act is withdrawn from—

15 (A) entry, appropriation, or disposal under
 16 the public land laws;

17 (B) location, entry, and patent under the
 18 mining laws; and

19 (C) operation of the mineral leasing, min-
 20 eral materials, and geothermal leasing laws.

21 (2) PARCEL B.—The approximately 6,498 acres
 22 of land generally depicted as “Parcel B” on the map
 23 entitled “Organ Mountains Area” and dated Sep-
 24 tember 21, 2016, is withdrawn in accordance with
 25 paragraph (1), except that the land is not withdrawn

1 for purposes of the issuance of oil and gas pipeline
 2 rights-of-way.

3 (3) PARCEL C.—The approximately 1,297 acres
 4 of land generally depicted as “Parcel C” on the map
 5 entitled “Organ Mountains Area” and dated Sep-
 6 tember 21, 2016, is withdrawn in accordance with
 7 paragraph (1), except that the land is not withdrawn
 8 from disposal under the Act of June 14, 1926 (com-
 9 monly known as the “Recreation and Public Pur-
 10 poses Act”) (43 U.S.C. 869 et seq.).

11 (4) PARCEL D.—

12 (A) IN GENERAL.—The Secretary of the
 13 Army shall allow for the conduct of certain rec-
 14 reational activities on the approximately 2,035
 15 acres of land generally depicted as “Parcel D”
 16 on the map entitled “Organ Mountains Area”
 17 and dated September 21, 2016 (referred to in
 18 this paragraph as the “parcel”), which is a por-
 19 tion of the public land withdrawn and reserved
 20 for military purposes by Public Land Order 833
 21 dated May 21, 1952 (17 Fed. Reg. 4822).

22 (B) OUTDOOR RECREATION PLAN.—

23 (i) IN GENERAL.—The Secretary of
 24 the Army shall develop a plan for public
 25 outdoor recreation on the parcel that is

1 consistent with the primary military mis-
2 sion of the parcel.

3 (ii) REQUIREMENT.—In developing
4 the plan under clause (i), the Secretary of
5 the Army shall ensure, to the maximum
6 extent practicable, that outdoor recreation
7 activities may be conducted on the parcel,
8 including: hunting, hiking, wildlife viewing,
9 and camping.

10 (C) CLOSURES.—The Secretary of the
11 Army may close the parcel or any portion of the
12 parcel to the public as the Secretary of the
13 Army determines to be necessary to protect—

14 (i) public safety; or

15 (ii) the safety of the military members
16 training on the parcel.

17 (D) TRANSFER OF ADMINISTRATIVE JURIS-
18 DICTION; WITHDRAWAL.—

19 (i) IN GENERAL.—On a determination
20 by the Secretary of the Army that military
21 training capabilities, personnel safety, and
22 installation security would not be hindered
23 as a result of the transfer to the Secretary
24 of administrative jurisdiction over the par-
25 cel, the Secretary of the Army shall trans-

fer to the Secretary administrative jurisdiction over the parcel.

(ii) ~~WITHDRAWAL.~~—On transfer of the parcel under clause (i), the parcel shall be—

(I) under the jurisdiction of the Director of the Bureau of Land Management; and

(II) withdrawn from—

(aa) entry, appropriation, or disposal under the public land laws;

(bb) location, entry, and patent under the mining laws; and

(cc) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(iii) ~~RESERVATION.~~—On transfer under clause (i), the parcel shall be reserved for management of the resources of, and military training conducted on, the parcel in accordance with a memorandum of understanding entered into under subparagraph (E).

1 ~~(E)~~ MEMORANDUM OF UNDERSTANDING
2 RELATING TO MILITARY TRAINING.—

3 ~~(i)~~ IN GENERAL.—If, after the trans-
4 fer of the parcel under subparagraph
5 ~~(D)~~(i), the Secretary of the Army requests
6 that the Secretary enter into a memo-
7 randum of understanding, the Secretary
8 shall enter into a memorandum of under-
9 standing with the Secretary of the Army
10 providing for the conduct of military train-
11 ing on the parcel.

12 ~~(ii)~~ REQUIREMENTS.—The memo-
13 randum of understanding entered into
14 under clause (i) shall—

15 ~~(I)~~ address the location, fre-
16 quency, and type of training activities
17 to be conducted on the parcel;

18 ~~(II)~~ provide to the Secretary of
19 the Army access to the parcel for the
20 conduct of military training;

21 ~~(III)~~ authorize the Secretary or
22 the Secretary of the Army to close the
23 parcel or a portion of the parcel to the
24 public as the Secretary or the Sec-

retary of the Army determines to be
necessary to protect—

(aa) public safety; or

(bb) the safety of the mili-
tary members training; and

(IV) to the maximum extent
practicable, provide for the protection
of natural, historic, and cultural re-
sources in the area of the parcel.

(F) MILITARY OVERFLIGHTS.—Nothing in
this paragraph restricts or precludes—

(i) low-level overflights of military air-
craft over the parcel, including military
overflights that can be seen or heard with-
in the parcel;

(ii) the designation of new units of
special airspace over the parcel; or

(iii) the use or establishment of mili-
tary flight training routes over the parcel.

(I) POTENTIAL WILDERNESS AREA.—

(1) ROBLEDO MOUNTAINS POTENTIAL WILDER-
NESS AREA.—

(A) IN GENERAL.—Certain land adminis-
tered by the Bureau of Land Management,
comprising approximately 100 acres as gen-

erally depicted as “Potential Wilderness” on the map entitled “Desert Peaks Complex” and dated April 13, 2016, is designated as a potential wilderness area.

(B) USES.—The Secretary shall permit only such uses on the land described in subparagraph (A) that were permitted on the date of enactment of this Act.

(C) DESIGNATION AS WILDERNESS.—

(i) IN GENERAL.—On the date on which the Secretary publishes in the Federal Register the notice described in clause (ii), the potential wilderness area designated under subparagraph (A) shall be—

(I) designated as wilderness and as a component of the National Wilderness Preservation System; and

(II) incorporated into the Robledo Mountains Wilderness designated by subsection (a)(6).

(ii) NOTICE.—The notice referred to in clause (i) is notice that—

(I) the communications site within the potential wilderness area des-

1 ignated under subparagraph (A) is no
2 longer used;

3 (H) the associated right-of-way is
4 relinquished or not renewed; and

5 (III) the conditions in the poten-
6 tial wilderness area designated by sub-
7 paragraph (A) are compatible with the
8 Wilderness Act (16 U.S.C. 1131 et
9 seq.).

10 (m) ~~RELEASE OF WILDERNESS STUDY AREAS.—~~

11 Congress finds that, for purposes of section 603(e) of the
12 Federal Land Policy and Management Act of 1976 (43
13 U.S.C. 1782(e)), the public land in Doña Ana County ad-
14 ministered by the Bureau of Land Management not des-
15 ignated as wilderness by subsection (a)—

16 (1) has been adequately studied for wilderness
17 designation;

18 (2) is no longer subject to section 603(e) of the
19 Federal Land Policy and Management Act of 1976
20 (43 U.S.C. 1782(e)); and

21 (3) shall be managed in accordance with—

22 (A) the Federal Land Policy and Manage-
23 ment Act of 1976 (43 U.S.C. 1701 et seq.);

24 (B) this Act; and

25 (C) any other applicable laws.

1 **SEC. 4. BORDER SECURITY.**

2 (a) IN GENERAL.—Nothing in this Act—

3 (1) prevents the Secretary of Homeland Secu-
4 rity from undertaking law enforcement and border
5 security activities, in accordance with section 4(c) of
6 the Wilderness Act (16 U.S.C. 1133(c)), within the
7 wilderness areas, including the ability to use motor-
8 ized access within a wilderness area while in pursuit
9 of a suspect;

10 (2) affects the 2006 Memorandum of Under-
11 standing among the Department of Homeland Secu-
12 rity, the Department of the Interior, and the De-
13 partment of Agriculture regarding cooperative na-
14 tional security and counterterrorism efforts on Fed-
15 eral land along the borders of the United States; or

16 (3) prevents the Secretary of Homeland Secu-
17 rity from conducting any low-level overflights over
18 the wilderness areas that may be necessary for law
19 enforcement and border security purposes.

20 (b) WITHDRAWAL AND ADMINISTRATION OF CER-
21 TAIN AREA.—

22 (1) WITHDRAWAL.—The area identified as
23 “Parcel A” on the map entitled “Potrillo Mountains
24 Complex” and dated April 18, 2016, is withdrawn in
25 accordance with section 3(k)(1).

1 ~~(2) ADMINISTRATION.—~~Except as provided in
 2 paragraphs ~~(3)~~ and ~~(4)~~, the Secretary shall admin-
 3 ister the area described in paragraph ~~(1)~~ in a man-
 4 ner that, to the maximum extent practicable, pro-
 5 tects the wilderness character of the area.

6 ~~(3) USE OF MOTOR VEHICLES.—~~The use of
 7 motor vehicles, motorized equipment, and mechan-
 8 ical transport shall be prohibited in the area de-
 9 scribed in paragraph ~~(1)~~ except as necessary for—

10 ~~(A)~~ the administration of the area (includ-
 11 ing the conduct of law enforcement and border
 12 security activities in the area); or

13 ~~(B)~~ grazing uses by authorized permittees.

14 ~~(4) EFFECT OF SUBSECTION.—~~Nothing in this
 15 subsection precludes the Secretary from allowing
 16 within the area described in paragraph ~~(1)~~ the in-
 17 stallation and maintenance of communication or sur-
 18 veillance infrastructure necessary for law enforce-
 19 ment or border security activities.

20 ~~(c) RESTRICTED ROUTE.—~~The route excluded from
 21 the Potrillo Mountains Wilderness identified as “Re-
 22 stricted—Administrative Access” on the map entitled
 23 “Potrillo Mountains Complex” and dated April 18, 2016,
 24 shall be—

25 ~~(1)~~ closed to public access; but

1 (2) available for administrative and law enforce-
 2 ment uses, including border security activities.

3 **SEC. 5. ORGAN MOUNTAINS-DESERT PEAKS NATIONAL**
 4 **MONUMENT.**

5 (a) **MANAGEMENT PLAN.**—In preparing and imple-
 6 menting the management plan for the Monument, the Sec-
 7 retary shall include a watershed health assessment to iden-
 8 tify opportunities for watershed restoration.

9 (b) **INCORPORATION OF ACQUIRED STATE TRUST**
 10 **LAND AND INTERESTS IN STATE TRUST LAND.**—

11 (1) **IN GENERAL.**—Any land or interest in land
 12 that is within the State trust land described in para-
 13 graph (2) that is acquired by the United States
 14 shall—

15 (A) become part of the Monument; and

16 (B) be managed in accordance with—

17 (i) Presidential Proclamation 9131

18 (79 Fed. Reg. 30431); and

19 (ii) any other applicable laws.

20 (2) **DESCRIPTION OF STATE TRUST LAND.**—

21 The State trust land referred to in paragraph (1) is
 22 the State trust land in T. 22 S., R. 01 W., New Mex-
 23 ico Principal Meridian and T. 22 S., R. 02 W., New
 24 Mexico Principal Meridian.

25 (c) **LAND EXCHANGES.**—

1 (1) IN GENERAL.—Subject to paragraphs (3)
 2 through (6), the Secretary shall attempt to enter
 3 into an agreement to initiate an exchange under sec-
 4 tion 2201.1 of title 43, Code of Federal Regulations
 5 (or successor regulations), with the Commissioner of
 6 Public Lands of New Mexico, by the date that is 18
 7 months after the date of enactment of this Act, to
 8 provide for a conveyance to the State of all right,
 9 title, and interest of the United States in and to Bu-
 10 reau of Land Management land in the State identi-
 11 fied under paragraph (2) in exchange for the convey-
 12 ance by the State to the Secretary of all right, title,
 13 and interest of the State in and to parcels of State
 14 trust land within the boundary of the Monument
 15 identified under that paragraph or described in sub-
 16 section (b)(2).

17 (2) IDENTIFICATION OF LAND FOR EX-
 18 CHANGE.—The Secretary and the Commissioner of
 19 Public Lands of New Mexico shall jointly identify
 20 the Bureau of Land Management land and State
 21 trust land eligible for exchange under this sub-
 22 section, the exact acreage and legal description of
 23 which shall be determined by surveys approved by
 24 the Secretary and the New Mexico State Land Of-
 25 fice.

1 ~~(3) APPLICABLE LAW.~~—A land exchange under
 2 paragraph ~~(1)~~ shall be carried out in accordance
 3 with section 206 of the Federal Land Policy and
 4 Management Act of 1976 (~~43 U.S.C. 1716~~).

5 ~~(4) CONDITIONS.~~—A land exchange under para-
 6 graph ~~(1)~~ shall be subject to—

7 ~~(A) valid existing rights; and~~

8 ~~(B) such terms as the Secretary and the~~
 9 ~~State shall establish.~~

10 ~~(5) VALUATION, APPRAISALS, AND EQUALI-~~
 11 ~~ZATION.~~—

12 ~~(A) IN GENERAL.~~—The value of the Bu-
 13 reau of Land Management land and the State
 14 trust land to be conveyed in a land exchange
 15 under this subsection—

16 ~~(i) shall be equal, as determined by~~
 17 ~~appraisals conducted in accordance with~~
 18 ~~subparagraph (B); or~~

19 ~~(ii) if not equal, shall be equalized in~~
 20 ~~accordance with subparagraph (C).~~

21 ~~(B) APPRAISALS.~~—

22 ~~(i) IN GENERAL.~~—The Bureau of
 23 Land Management land and State trust
 24 land to be exchanged under this subsection
 25 shall be appraised by an independent,

1 qualified appraiser that is agreed to by the
 2 Secretary and the State.

3 (ii) REQUIREMENTS.—An appraisal
 4 under clause (i) shall be conducted in ac-
 5 cordance with—

6 (I) the Uniform Appraisal Stand-
 7 ards for Federal Land Acquisitions;
 8 and

9 (II) the Uniform Standards of
 10 Professional Appraisal Practice.

11 (C) EQUALIZATION.—

12 (i) IN GENERAL.—If the value of the
 13 Bureau of Land Management land and the
 14 State trust land to be conveyed in a land
 15 exchange under this subsection is not
 16 equal, the value may be equalized by—

17 (I) making a cash equalization
 18 payment to the Secretary or to the
 19 State, as appropriate, in accordance
 20 with section 206(b) of the Federal
 21 Land Policy and Management Act of
 22 1976 (43 U.S.C. 1716(b)); or

23 (II) reducing the acreage of the
 24 Bureau of Land Management land or

1 State trust land to be exchanged, as
 2 appropriate.

3 ~~(ii) CASH EQUALIZATION PAY-~~
 4 ~~MENTS.—Any cash equalization payments~~
 5 ~~received by the Secretary under clause~~
 6 ~~(i)(I) shall be—~~

7 ~~(I) deposited in the Federal Land~~
 8 ~~Disposal Account established by sec-~~
 9 ~~tion 206(a) of the Federal Land~~
 10 ~~Transaction Facilitation Act (43~~
 11 ~~U.S.C. 2305(a)); and~~

12 ~~(II) used in accordance with that~~
 13 ~~Act.~~

14 ~~(6) LIMITATION.—No exchange of land shall be~~
 15 ~~conducted under this subsection unless mutually~~
 16 ~~agreed to by the Secretary and the State.~~

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Organ Mountains-Desert*
 19 *Peaks Conservation Act”.*

20 **SEC. 2. DEFINITIONS.**

21 *In this Act:*

22 *(1) MONUMENT.—The term “Monument” means*
 23 *the Organ Mountains-Desert Peaks National Monu-*
 24 *ment established by Presidential Proclamation 9131*
 25 *(79 Fed. Reg. 30431).*

1 (2) *SECRETARY.*—*The term “Secretary” means*
 2 *the Secretary of the Interior.*

3 (3) *STATE.*—*The term “State” means the State*
 4 *of New Mexico.*

5 (4) *WILDERNESS AREA.*—*The term “wilderness*
 6 *area” means a wilderness area designated by section*
 7 *3(a).*

8 **SEC. 3. DESIGNATION OF WILDERNESS AREAS.**

9 (a) *IN GENERAL.*—*In accordance with the Wilderness*
 10 *Act (16 U.S.C. 1131 et seq.), the following areas in the State*
 11 *are designated as wilderness and as components of the Na-*
 12 *tional Wilderness Preservation System:*

13 (1) *ADEN LAVA FLOW WILDERNESS.*—*Certain*
 14 *land administered by the Bureau of Land Manage-*
 15 *ment in Doña Ana County comprising approximately*
 16 *27,673 acres, as generally depicted on the map enti-*
 17 *tled “Petrillo Mountains Complex” and dated Sep-*
 18 *tember 27, 2018, which shall be known as the “Aden*
 19 *Lava Flow Wilderness”.*

20 (2) *BROAD CANYON WILDERNESS.*—*Certain land*
 21 *administered by the Bureau of Land Management in*
 22 *Doña Ana County comprising approximately 13,902*
 23 *acres, as generally depicted on the map entitled*
 24 *“Desert Peaks Complex” and dated October 1, 2018,*

1 *which shall be known as the “Broad Canyon Wilder-*
2 *ness”.*

3 (3) *CINDER CONE WILDERNESS.—Certain land*
4 *administered by the Bureau of Land Management in*
5 *Doña Ana County comprising approximately 16,935*
6 *acres, as generally depicted on the map entitled*
7 *“Potrillo Mountains Complex” and dated September*
8 *27, 2018, which shall be known as the “Cinder Cone*
9 *Wilderness”.*

10 (4) *EAST POTRILLO MOUNTAINS WILDERNESS.—*
11 *Certain land administered by the Bureau of Land*
12 *Management in Doña Ana and Luna counties com-*
13 *prising approximately 12,155 acres, as generally de-*
14 *scribed on the map entitled “Potrillo Mountains Com-*
15 *plex” and dated September 27, 2018, which shall be*
16 *known as the “East Potrillo Mountains Wilderness”.*

17 (5) *MOUNT RILEY WILDERNESS.—Certain land*
18 *administered by the Bureau of Land Management in*
19 *Doña Ana and Luna counties comprising approxi-*
20 *mately 8,382 acres, as generally depicted on the map*
21 *entitled “Potrillo Mountains Complex” and dated*
22 *September 27, 2018, which shall be known as the*
23 *“Mount Riley Wilderness”.*

24 (6) *ORGAN MOUNTAINS WILDERNESS.—Certain*
25 *land administered by the Bureau of Land Manage-*

1 *ment in Doña Ana County comprising approximately*
 2 *19,916 acres, as generally depicted on the map enti-*
 3 *tled “Organ Mountains Area” and dated September*
 4 *21, 2016, which shall be known as the “Organ Moun-*
 5 *tains Wilderness”, the boundary of which shall be off-*
 6 *set 400 feet from the centerline of Dripping Springs*
 7 *Road in T. 23 S., R. 04 E., sec. 7, New Mexico Prin-*
 8 *cipal Meridian.*

9 (7) *POTRILLO MOUNTAINS WILDERNESS.—Cer-*
 10 *tain land administered by the Bureau of Land Man-*
 11 *agement in Doña Ana and Luna counties comprising*
 12 *approximately 105,085 acres, as generally depicted on*
 13 *the map entitled “Potrillo Mountains Complex” and*
 14 *dated September 27, 2018, which shall be known as*
 15 *the “Potrillo Mountains Wilderness”.*

16 (8) *ROBLEDO MOUNTAINS WILDERNESS.—Cer-*
 17 *tain land administered by the Bureau of Land Man-*
 18 *agement in Doña Ana County comprising approxi-*
 19 *mately 16,776 acres, as generally depicted on the map*
 20 *entitled “Desert Peaks Complex” and dated October 1,*
 21 *2018, which shall be known as the “Robledo Moun-*
 22 *tains Wilderness”.*

23 (9) *SIERRA DE LAS UVAS WILDERNESS.—Certain*
 24 *land administered by the Bureau of Land Manage-*
 25 *ment in Doña Ana County comprising approximately*

1 11,114 acres, as generally depicted on the map enti-
 2 tled “Desert Peaks Complex” and dated October 1,
 3 2018, which shall be known as the “Sierra de las
 4 Uvas Wilderness”.

5 (10) WHITETHORN WILDERNESS.—Certain land
 6 administered by the Bureau of Land Management in
 7 Doña Ana and Luna counties comprising approxi-
 8 mately 9,616 acres, as generally depicted on the map
 9 entitled “Potrillo Mountains Complex” and dated
 10 September 27, 2018, which shall be known as the
 11 “Whitethorn Wilderness”.

12 (b) MAPS AND LEGAL DESCRIPTIONS.—

13 (1) IN GENERAL.—As soon as practicable after
 14 the date of enactment of this Act, the Secretary shall
 15 file maps and legal descriptions of the wilderness
 16 areas with—

17 (A) the Committee on Energy and Natural
 18 Resources of the Senate; and

19 (B) the Committee on Natural Resources of
 20 the House of Representatives.

21 (2) FORCE OF LAW.—The maps and legal de-
 22 scriptions filed under paragraph (1) shall have the
 23 same force and effect as if included in this Act, except
 24 that the Secretary may correct errors in the maps
 25 and legal descriptions.

1 (3) *PUBLIC AVAILABILITY.*—*The maps and legal*
 2 *descriptions filed under paragraph (1) shall be on file*
 3 *and available for public inspection in the appropriate*
 4 *offices of the Bureau of Land Management.*

5 (c) *MANAGEMENT.*—*Subject to valid existing rights,*
 6 *the wilderness areas shall be administered by the Sec-*
 7 *retary—*

8 (1) *as components of the National Landscape*
 9 *Conservation System; and*

10 (2) *in accordance with—*

11 (A) *this Act; and*

12 (B) *the Wilderness Act (16 U.S.C. 1131 et*
 13 *seq.), except that—*

14 (i) *any reference in the Wilderness Act*
 15 *to the effective date of that Act shall be con-*
 16 *sidered to be a reference to the date of enact-*
 17 *ment of this Act; and*

18 (ii) *any reference in the Wilderness Act*
 19 *to the Secretary of Agriculture shall be con-*
 20 *sidered to be a reference to the Secretary of*
 21 *the Interior.*

22 (d) *INCORPORATION OF ACQUIRED LAND AND INTER-*
 23 *ESTS IN LAND.*—*Any land or interest in land that is within*
 24 *the boundary of a wilderness area that is acquired by the*
 25 *United States shall—*

1 (1) *become part of the wilderness area within the*
 2 *boundaries of which the land is located; and*

3 (2) *be managed in accordance with—*

4 (A) *the Wilderness Act (16 U.S.C. 1131 et*
 5 *seq.);*

6 (B) *this Act; and*

7 (C) *any other applicable laws.*

8 (e) *GRAZING.—Grazing of livestock in the wilderness*
 9 *areas, where established before the date of enactment of this*
 10 *Act, shall be administered in accordance with—*

11 (1) *section 4(d)(4) of the Wilderness Act (16*
 12 *U.S.C. 1133(d)(4)); and*

13 (2) *the guidelines set forth in Appendix A of the*
 14 *Report of the Committee on Interior and Insular Af-*
 15 *fairs to accompany H.R. 2570 of the 101st Congress*
 16 *(H. Rept. 101–405).*

17 (f) *MILITARY OVERFLIGHTS.—Nothing in this section*
 18 *restricts or precludes—*

19 (1) *low-level overflights of military aircraft over*
 20 *the wilderness areas, including military overflights*
 21 *that can be seen or heard within the wilderness areas;*

22 (2) *the designation of new units of special air-*
 23 *space over the wilderness areas; or*

24 (3) *the use or establishment of military flight*
 25 *training routes over the wilderness areas.*

1 (g) *BUFFER ZONES.*—

2 (1) *IN GENERAL.*—*Nothing in this section creates*
 3 *a protective perimeter or buffer zone around any wil-*
 4 *derness area.*

5 (2) *ACTIVITIES OUTSIDE WILDERNESS AREAS.*—

6 *The fact that an activity or use on land outside any*
 7 *wilderness area can be seen or heard within the wil-*
 8 *derness area shall not preclude the activity or use out-*
 9 *side the boundary of the wilderness area.*

10 (h) *PARAGLIDING.*—*The use of paragliding within*
 11 *areas of the East Potrillo Mountains Wilderness designated*
 12 *by subsection (a)(4) in which the use has been established*
 13 *before the date of enactment of this Act, shall be allowed*
 14 *to continue in accordance with section 4(d)(1) of the Wil-*
 15 *derness Act (16 U.S.C. 1133(d)(1)), subject to any terms*
 16 *and conditions that the Secretary determines to be nec-*
 17 *essary.*

18 (i) *CLIMATOLOGIC DATA COLLECTION.*—*Subject to*
 19 *such terms and conditions as the Secretary may prescribe,*
 20 *nothing in this Act precludes the installation and mainte-*
 21 *nance of hydrologic, meteorologic, or climatologic collection*
 22 *devices in wilderness areas if the facilities and access to*
 23 *the facilities are essential to flood warning, flood control,*
 24 *or water reservoir operation activities.*

1 (j) *FISH AND WILDLIFE*.—*Nothing in this Act affects*
 2 *the jurisdiction of the State with respect to fish and wildlife*
 3 *located on public land in the State, except that the Sec-*
 4 *retary, after consultation with the New Mexico Department*
 5 *of Game and Fish, may designate zones where, and establish*
 6 *periods during which, no hunting or fishing shall be per-*
 7 *mitted for reasons of public safety, administration, or com-*
 8 *pliance with applicable law.*

9 (k) *WITHDRAWALS*.—

10 (1) *IN GENERAL*.—*Subject to valid existing*
 11 *rights, the Federal land within the wilderness areas*
 12 *and any land or interest in land that is acquired by*
 13 *the United States in the wilderness areas after the*
 14 *date of enactment of this Act is withdrawn from—*

15 (A) *entry, appropriation, or disposal under*
 16 *the public land laws;*

17 (B) *location, entry, and patent under the*
 18 *mining laws; and*

19 (C) *operation of the mineral leasing, min-*
 20 *eral materials, and geothermal leasing laws.*

21 (2) *PARCEL B*.—*The approximately 6,498 acres*
 22 *of land generally depicted as “Parcel B” on the map*
 23 *entitled “Organ Mountains Area” and dated Sep-*
 24 *tember 21, 2016, is withdrawn in accordance with*
 25 *paragraph (1), except that the land is not withdrawn*

1 *for purposes of the issuance of oil and gas pipeline or*
 2 *road rights-of-way.*

3 (3) *PARCEL C.—The approximately 1,297 acres*
 4 *of land generally depicted as “Parcel C” on the map*
 5 *entitled “Organ Mountains Area” and dated Sep-*
 6 *tember 21, 2016, is withdrawn in accordance with*
 7 *paragraph (1), except that the land is not withdrawn*
 8 *from disposal under the Act of June 14, 1926 (com-*
 9 *monly known as the “Recreation and Public Purposes*
 10 *Act”)* (43 U.S.C. 869 *et seq.*).

11 (4) *PARCEL D.—*

12 (A) *IN GENERAL.—The Secretary of the*
 13 *Army shall allow for the conduct of certain rec-*
 14 *reational activities on the approximately 2,035*
 15 *acres of land generally depicted as “Parcel D”*
 16 *on the map entitled “Organ Mountains Area”*
 17 *and dated September 21, 2016 (referred to in*
 18 *this paragraph as the “parcel”), which is a por-*
 19 *tion of the public land withdrawn and reserved*
 20 *for military purposes by Public Land Order 833*
 21 *dated May 21, 1952 (17 Fed. Reg. 4822).*

22 (B) *OUTDOOR RECREATION PLAN.—*

23 (i) *IN GENERAL.—The Secretary of the*
 24 *Army shall develop a plan for public out-*
 25 *door recreation on the parcel that is con-*

1 *sistent with the primary military mission*
 2 *of the parcel.*

3 *(ii) REQUIREMENT.—In developing the*
 4 *plan under clause (i), the Secretary of the*
 5 *Army shall ensure, to the maximum extent*
 6 *practicable, that outdoor recreation activi-*
 7 *ties may be conducted on the parcel, includ-*
 8 *ing hunting, hiking, wildlife viewing, and*
 9 *camping.*

10 *(C) CLOSURES.—The Secretary of the Army*
 11 *may close the parcel or any portion of the parcel*
 12 *to the public as the Secretary of the Army deter-*
 13 *mines to be necessary to protect—*

14 *(i) public safety; or*

15 *(ii) the safety of the military members*
 16 *training on the parcel.*

17 *(D) TRANSFER OF ADMINISTRATIVE JURIS-*
 18 *DICTION; WITHDRAWAL.—*

19 *(i) IN GENERAL.—On a determination*
 20 *by the Secretary of the Army that military*
 21 *training capabilities, personnel safety, and*
 22 *installation security would not be hindered*
 23 *as a result of the transfer to the Secretary*
 24 *of administrative jurisdiction over the par-*
 25 *cel, the Secretary of the Army shall transfer*

1 to the Secretary administrative jurisdiction
2 over the parcel.

3 (ii) *WITHDRAWAL*.—On transfer of the
4 parcel under clause (i), the parcel shall be—

5 (I) under the jurisdiction of the
6 Director of the Bureau of Land Man-
7 agement; and

8 (II) withdrawn from—

9 (aa) entry, appropriation, or
10 disposal under the public land
11 laws;

12 (bb) location, entry, and pat-
13 ent under the mining laws; and

14 (cc) operation of the mineral
15 leasing, mineral materials, and
16 geothermal leasing laws.

17 (iii) *RESERVATION*.—On transfer
18 under clause (i), the parcel shall be reserved
19 for management of the resources of, and
20 military training conducted on, the parcel
21 in accordance with a memorandum of un-
22 derstanding entered into under subpara-
23 graph (E).

24 (E) *MEMORANDUM OF UNDERSTANDING RE-*
25 *LATING TO MILITARY TRAINING*.—

1 (i) *IN GENERAL.*—If, after the transfer
 2 of the parcel under subparagraph (D)(i), the
 3 Secretary of the Army requests that the Sec-
 4 retary enter into a memorandum of under-
 5 standing, the Secretary shall enter into a
 6 memorandum of understanding with the
 7 Secretary of the Army providing for the
 8 conduct of military training on the parcel.

9 (ii) *REQUIREMENTS.*—The memo-
 10 randum of understanding entered into
 11 under clause (i) shall—

12 (I) address the location, frequency,
 13 and type of training activities to be
 14 conducted on the parcel;

15 (II) provide to the Secretary of
 16 the Army access to the parcel for the
 17 conduct of military training;

18 (III) authorize the Secretary or
 19 the Secretary of the Army to close the
 20 parcel or a portion of the parcel to the
 21 public as the Secretary or the Sec-
 22 retary of the Army determines to be
 23 necessary to protect—

24 (aa) public safety; or

1 (bb) *the safety of the military*
 2 *members training; and*

3 (IV) *to the maximum extent prac-*
 4 *ticable, provide for the protection of*
 5 *natural, historic, and cultural re-*
 6 *sources in the area of the parcel.*

7 (F) *MILITARY OVERFLIGHTS.—Nothing in*
 8 *this paragraph restricts or precludes—*

9 (i) *low-level overflights of military air-*
 10 *craft over the parcel, including military*
 11 *overflights that can be seen or heard within*
 12 *the parcel;*

13 (ii) *the designation of new units of*
 14 *special airspace over the parcel; or*

15 (iii) *the use or establishment of mili-*
 16 *tary flight training routes over the parcel.*

17 (l) *ROBLEDO MOUNTAINS.—*

18 (1) *IN GENERAL.—The Secretary shall manage*
 19 *the Federal land described in paragraph (2) in a*
 20 *manner that preserves the character of the land for*
 21 *the future inclusion of the land in the National Wil-*
 22 *derness Preservation System.*

23 (2) *LAND DESCRIPTION.—The land referred to in*
 24 *paragraph (1) is certain land administered by the*
 25 *Bureau of Land Management, comprising approxi-*

1 *mately 100 acres as generally depicted as “Lookout*
 2 *Peak Communication Site” on the map entitled*
 3 *“Desert Peaks Complex” and dated October 1, 2018.*

4 *(3) USES.—The Secretary shall permit only such*
 5 *uses on the land described in paragraph (2) that were*
 6 *permitted on the date of enactment of this Act.*

7 *(m) RELEASE OF WILDERNESS STUDY AREAS.—Con-*
 8 *gress finds that, for purposes of section 603(c) of the Federal*
 9 *Land Policy and Management Act of 1976 (43 U.S.C.*
 10 *1782(c)), the public land in Doña Ana County adminis-*
 11 *tered by the Bureau of Land Management not designated*
 12 *as wilderness by subsection (a) or described in subsection*
 13 *(l)—*

14 *(1) has been adequately studied for wilderness*
 15 *designation;*

16 *(2) is no longer subject to section 603(c) of the*
 17 *Federal Land Policy and Management Act of 1976*
 18 *(43 U.S.C. 1782(c)); and*

19 *(3) shall be managed in accordance with—*

20 *(A) the Federal Land Policy and Manage-*
 21 *ment Act of 1976 (43 U.S.C. 1701 et seq.);*

22 *(B) this Act; and*

23 *(C) any other applicable laws.*

24 *(n) PRIVATE LAND.—In accordance with section 5 of*
 25 *the Wilderness Act (16 U.S.C. 1134), the Secretary shall*

1 *ensure adequate access to non-Federal land located within*
 2 *the boundary of a wilderness area.*

3 **SEC. 4. BORDER SECURITY.**

4 *(a) IN GENERAL.—Nothing in this Act—*

5 *(1) prevents the Secretary of Homeland Security*
 6 *from undertaking law enforcement and border secu-*
 7 *rity activities, in accordance with section 4(c) of the*
 8 *Wilderness Act (16 U.S.C. 1133(c)), within the wil-*
 9 *derness areas, including the ability to use motorized*
 10 *access within a wilderness area while in pursuit of a*
 11 *suspect;*

12 *(2) affects the 2006 Memorandum of Under-*
 13 *standing among the Department of Homeland Secu-*
 14 *rity, the Department of the Interior, and the Depart-*
 15 *ment of Agriculture regarding cooperative national*
 16 *security and counterterrorism efforts on Federal land*
 17 *along the borders of the United States; or*

18 *(3) prevents the Secretary of Homeland Security*
 19 *from conducting any low-level overflights over the wil-*
 20 *derness areas that may be necessary for law enforce-*
 21 *ment and border security purposes.*

22 *(b) WITHDRAWAL AND ADMINISTRATION OF CERTAIN*
 23 *AREA.—*

24 *(1) WITHDRAWAL.—The area identified as “Par-*
 25 *cel A” on the map entitled “Potrillo Mountains Com-*

1 *plex” and dated September 27, 2018, is withdrawn in*
 2 *accordance with section 3(k)(1).*

3 (2) *ADMINISTRATION.—Except as provided in*
 4 *paragraphs (3) and (4), the Secretary shall admin-*
 5 *ister the area described in paragraph (1) in a man-*
 6 *ner that, to the maximum extent practicable, protects*
 7 *the wilderness character of the area.*

8 (3) *USE OF MOTOR VEHICLES.—The use of motor*
 9 *vehicles, motorized equipment, and mechanical trans-*
 10 *port shall be prohibited in the area described in para-*
 11 *graph (1) except as necessary for—*

12 (A) *the administration of the area (includ-*
 13 *ing the conduct of law enforcement and border*
 14 *security activities in the area); or*

15 (B) *grazing uses by authorized permittees.*

16 (4) *EFFECT OF SUBSECTION.—Nothing in this*
 17 *subsection precludes the Secretary from allowing*
 18 *within the area described in paragraph (1) the instal-*
 19 *lation and maintenance of communication or surveil-*
 20 *lance infrastructure necessary for law enforcement or*
 21 *border security activities.*

22 (c) *RESTRICTED ROUTE.—The route excluded from the*
 23 *Potrillo Mountains Wilderness identified as “Restricted—*
 24 *Administrative Access” on the map entitled “Potrillo Moun-*
 25 *tains Complex” and dated September 27, 2018, shall be—*

1 (1) *closed to public access; but*

2 (2) *available for administrative and law enforce-*
 3 *ment uses, including border security activities.*

4 **SEC. 5. ORGAN MOUNTAINS-DESERT PEAKS NATIONAL**
 5 **MONUMENT.**

6 (a) *MANAGEMENT PLAN.*—*In preparing and imple-*
 7 *menting the management plan for the Monument, the Sec-*
 8 *retary shall include a watershed health assessment to iden-*
 9 *tify opportunities for watershed restoration.*

10 (b) *INCORPORATION OF ACQUIRED STATE TRUST*
 11 *LAND AND INTERESTS IN STATE TRUST LAND.*—

12 (1) *IN GENERAL.*—*Any land or interest in land*
 13 *that is within the State trust land described in para-*
 14 *graph (2) that is acquired by the United States*
 15 *shall—*

16 (A) *become part of the Monument; and*

17 (B) *be managed in accordance with—*

18 (i) *Presidential Proclamation 9131 (79*

19 *Fed. Reg. 30431);*

20 (ii) *this Act; and*

21 (iii) *any other applicable laws.*

22 (2) *DESCRIPTION OF STATE TRUST LAND.*—*The*
 23 *State trust land referred to in paragraph (1) is the*
 24 *State trust land in T. 22 S., R 01 W., New Mexico*

1 *Principal Meridian and T. 22 S., R. 02 W., New*
 2 *Mexico Principal Meridian.*

3 (c) *LAND EXCHANGES.*—

4 (1) *IN GENERAL.*—Subject to paragraphs (3)
 5 *through (6), the Secretary shall attempt to enter into*
 6 *an agreement to initiate an exchange under section*
 7 *2201.1 of title 43, Code of Federal Regulations (or*
 8 *successor regulations), with the Commissioner of Pub-*
 9 *lic Lands of New Mexico, by the date that is 18*
 10 *months after the date of enactment of this Act, to pro-*
 11 *vide for a conveyance to the State of all right, title,*
 12 *and interest of the United States in and to Bureau*
 13 *of Land Management land in the State identified*
 14 *under paragraph (2) in exchange for the conveyance*
 15 *by the State to the Secretary of all right, title, and*
 16 *interest of the State in and to parcels of State trust*
 17 *land within the boundary of the Monument identified*
 18 *under that paragraph or described in subsection*
 19 *(b)(2).*

20 (2) *IDENTIFICATION OF LAND FOR EXCHANGE.*—

21 *The Secretary and the Commissioner of Public Lands*
 22 *of New Mexico shall jointly identify the Bureau of*
 23 *Land Management land and State trust land eligible*
 24 *for exchange under this subsection, the exact acreage*
 25 *and legal description of which shall be determined by*

1 *surveys approved by the Secretary and the New Mex-*
 2 *ico State Land Office.*

3 (3) *APPLICABLE LAW.*—*A land exchange under*
 4 *paragraph (1) shall be carried out in accordance with*
 5 *section 206 of the Federal Land Policy and Manage-*
 6 *ment Act of 1976 (43 U.S.C. 1716).*

7 (4) *CONDITIONS.*—*A land exchange under para-*
 8 *graph (1) shall be subject to—*

9 (A) *valid existing rights; and*

10 (B) *such terms as the Secretary and the*
 11 *State shall establish.*

12 (5) *VALUATION, APPRAISALS, AND EQUALI-*
 13 *ZATION.*—

14 (A) *IN GENERAL.*—*The value of the Bureau*
 15 *of Land Management land and the State trust*
 16 *land to be conveyed in a land exchange under*
 17 *this subsection—*

18 (i) *shall be equal, as determined by ap-*
 19 *praisals conducted in accordance with sub-*
 20 *paragraph (B); or*

21 (ii) *if not equal, shall be equalized in*
 22 *accordance with subparagraph (C).*

23 (B) *APPRAISALS.*—

24 (i) *IN GENERAL.*—*The Bureau of Land*
 25 *Management land and State trust land to*

1 *be exchanged under this subsection shall be*
 2 *appraised by an independent, qualified ap-*
 3 *praiser that is agreed to by the Secretary*
 4 *and the State.*

5 (ii) *REQUIREMENTS.—An appraisal*
 6 *under clause (i) shall be conducted in ac-*
 7 *cordance with—*

8 *(I) the Uniform Appraisal Stand-*
 9 *ards for Federal Land Acquisitions;*
 10 *and*

11 *(II) the Uniform Standards of*
 12 *Professional Appraisal Practice.*

13 (C) *EQUALIZATION.—*

14 (i) *IN GENERAL.—If the value of the*
 15 *Bureau of Land Management land and the*
 16 *State trust land to be conveyed in a land*
 17 *exchange under this subsection is not equal,*
 18 *the value may be equalized by—*

19 *(I) making a cash equalization*
 20 *payment to the Secretary or to the*
 21 *State, as appropriate, in accordance*
 22 *with section 206(b) of the Federal*
 23 *Land Policy and Management Act of*
 24 *1976 (43 U.S.C. 1716(b)); or*

1 (ii) *reducing the acreage of the*
2 *Bureau of Land Management land or*
3 *State trust land to be exchanged, as*
4 *appropriate.*

5 (ii) *CASH EQUALIZATION PAYMENTS.—*
6 *Any cash equalization payments received by*
7 *the Secretary under clause (i)(I) shall be—*

8 (i) *deposited in the Federal Land*
9 *Disposal Account established by section*
10 *206(a) of the Federal Land Trans-*
11 *action Facilitation Act (43 U.S.C.*
12 *2305(a)); and*

13 (ii) *used in accordance with that*
14 *Act.*

15 (6) *LIMITATION.—No exchange of land shall be*
16 *conducted under this subsection unless mutually*
17 *agreed to by the Secretary and the State.*

Calendar No. 719

115TH CONGRESS
2D Session

S. 441

A BILL

To designate the Organ Mountains and other public land as components of the National Wilderness Preservation System in the State of New Mexico, and for other purposes.

DECEMBER 5, 2018

Reported with an amendment