SEC. ___. LAND EXCHANGE, AIR FORCE PLANT 44, TUCSON, ARIZONA.

(a) LAND CONVEYANCE AND RESTORATION OF REAL PROPERTY IMPROVEMENTS AUTHORIZED.—In connection with a project planned by the Tuscon Airport Authority (in this section referred to as "TAA") to relocate and extend a parallel runway and make other airfield safety enhancements at the Tucson International Airport, the Secretary of the Air Force (in this section referred to as the "Secretary") may—

(1) convey to the TAA all right, title, and interest of the United States in and to all or any part of a parcel of real property consisting of approximately 58 acres on Air Force Plant 44, Arizona, and located adjacent to Tucson International Airport;

(2) agree to terminate all or a portion of any deed restrictions made for the benefit of the United States that limit construction on Tucson International Airport within 750 feet of the Airport's southwest property boundary with Air Force Plant 44; and

(3) using cash or in-kind consideration as provided in subsection (b)—

(A) construct new explosives storage facilities to replace the explosives storage facilities located on the land described in paragraph (1) and explosives storage facilities located on Air Force Plant 44 within the end-of-runway clear zone associated with the TAA airfield enhancement project; and

(B) construct new fencing as necessary to accommodate the changes in the boundary of Air Force Plant 44.

(b) CONSIDERATION.—As consideration for the land conveyance, deed restriction termination, replacement of real property improvements, and installation of fencing authorized under subsection (a), the following consideration must be received by the United States before

the Secretary may make any conveyance or termination of real property interests of the United States as described in subsection (a):

(1) All right, title, and interest of the owner or owners thereof to the parcels of real property consisting of approximately 160 acres directly adjacent to the south boundary of Air Force Plant 44.

(2) The cost to the Secretary, in accordance with current design standards, of—

(A) replacing the real property structures on Air Force Plant 44 made unusable due to the land transfers and termination of deed restrictions, with structures of at least equivalent capacity and functionality; and

(B) installing the necessary boundary fencing due to the changes in the boundary of Air Force Plant 44.

(c) DIRECT PAYMENT OF CONSIDERATION TO GOVERNMENT CONTRACTORS.—The Secretary may require that any cash consideration to be received under this section be paid, directly or through the Air Force design/construction agent, to the government contractors performing design or construction of the real property improvements described in subsection (a)(3).

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) The Secretary may require TAA to cover costs to be incurred by the Secretary to carry out the land exchange and other transactions authorized under this section, or to reimburse the Secretary for such costs, including survey costs, appraisal costs, costs related to environmental documentation, and other administrative costs related to the conveyances. If amounts are collected from TAA in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the

Secretary to carry out such transactions, the Secretary shall refund the excess amount to TAA.

(2) Amounts received as reimbursements under paragraph (1) shall be used in accordance with section 2695(c) of title 10, United States Code.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the land exchange and other transactions under this section as the Secretary considers appropriate to protect the interests of the United States. Without limiting the foregoing, the Secretary may establish a deed restriction on any part of the 58 acres described in subsection (a)(1) to accommodate existing Quantity Distance arcs.

Section-by-Section Analysis

This proposal would authorize the Secretary of the Air Force to convey all right, title, and interest of the United States in and to parcels of real property in Tucson, Arizona, in exchange for the receipt of real property and restoration of lost explosive storage capability on Air Force Plant 44. Air Force Plant 44 is a Government-owned, contractor-operated industrial plant under lease for the development, production, and sustainment of Department of Defense (DoD) missile and national defense systems.

Air Force Plant 44 has common property boundaries with Tucson International Airport, which is operated by the Tucson Airport Authority (TAA), a State chartered, non-profit corporation. TAA, working under the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) and other FAA funding programs or project funding requirements, has proposed an airfield safety enhancement project to relocate and extend a parallel runway (11R/29L) and to eliminate airport movement areas with a history of runway incursion or potential risk of collision at Tucson International Airport. The relocation and extension of the parallel runway and associated runway safety clear zones will require and impact property currently part of Air Force Plant 44. FAA is the funding agency for the safety enhancement project. Per AIP rules and regulations, FAA and TAA will determine eligible funding and reimbursement. The effects to the Air Force of the TAA project include:

1) Loss of approximately 58 acres and real property improvements including six Earth Covered Magazines (ECMs) along Air Force Plant 44's eastern boundary to accommodate the new extended runway and its associated FAA clear zones.

2) Loss of a 1959 deed restriction limiting TAA construction within 750 feet of the Air Force Plant 44 property line. This deed restriction allows the Air Force to cast explosive Quantity-Distance (QD) arcs on approximately 79 acres of TAA property.

3) Loss of development capability on approximately 115 acres of Air Force Plant 44 property due to exposures to the new extended runway's lateral and end of runway Clear Zones, including loss of six additional ECMs directly adjacent to but not on the 58 acre parcel.

The Air Force, TAA, and FAA have entered into a non-binding Memorandum of Understanding (MoU) to document the proposed real property transactions and to provide that the result of these actions are cost neutral to the Air Force to the extent practicable. The MoU addresses the following compensation to the Air Force:

1) Property interests in approximately 160 acres of TAA owned or controlled land directly adjacent and to the south of Air Force Plant 44 to contain existing QD arcs and mitigate encroachment issues for explosive operations.

2) Remuneration for design and construction costs for replacement bunkers and supporting infrastructure of equivalent capability to replace the explosive storage bunkers and supporting infrastructure lost by the Air Force.

A preliminary planning appraisal and ECM construction cost analysis was performed to scope these property transactions. The cost to recreate the existing explosive storage capability represented by the loss of the 12 bunkers was based upon their existing storage volume of 177,000 cubic feet. DoD Explosive Safety Board (DDESB) provides explosive bunker designs for new construction. The standard, cost efficient bunker currently widely specified for new construction is the pre-cast concrete box ECM. As a consequence, only six of these ECMs are required to provide an equivalent explosive storage volume (176,000 cubic feet) to accommodate Air Force Plant 44 requirements. Air Force cost data to construct these types of ECMs at Hill Air Force Base, Utah, was utilized to provide a planning cost estimate of $7.7 million to construct six box ECMs at Air Force Plant 44.

The recreation of lost bunker capability provision includes the authority to accept direct payment from TAA to fund or the authority for TAA to directly execute the construction of the new explosive storage capability. TAA and FAA are aligning allowable funding resources to execute the airfield safety project immediately after successful completion of an environmental impact statement. Relocation and extension of the second parallel runway cannot occur until the existing 12 ECMs are removed from the runway construction area. This makes recreation of that bunker capability among the earliest elements (critical path) of the airfield safety project plan. The proposal requires the airfield safety project to restore the explosive storage capability on Air Force Plant 44 property as in-kind consideration (subject to all Air Force and DDESB insight

and approvals) or directly fund the Air Force Plant 44 awarded contractor to construct the replacement bunker capability.

This proposal includes the standard congressionally developed clause allowing the Secretary to include additional terms and conditions in the conveyance to protect the interests of the United States. This language does not provide the Secretary with authority to waive statutory requirements (such as requirements under section 120(h) of for example, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980), but does provide the Secretary with authority to include terms and conditions typically found in any land transfer made by a Federal agency when disposing of real property, such as utility easements.

Also, the land exchange and construction would not impact the ongoing environmental remediation at the site

Budget Implications: This proposal has no budgetary impact. This authority will not incur or increase any budget obligation by or of the United States Air Force. As designed, this proposal ensures the Air Force is made whole with regard to real property and its explosive storage capability as a result of the TAA airfield safety project.

Changes to Existing Law: This proposal will not change existing law.