

106TH CONGRESS
2^D SESSION

S. 1892

AN ACT

To authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, 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 **TITLE I—VALLES CALDERA NA-**
2 **TIONAL PRESERVE AND**
3 **TRUST**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Valles Caldera Preser-
6 vation Act”.

7 **SEC. 102. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—Congress finds that—

9 (1) the Baca ranch comprises most of the
10 Valles Caldera in central New Mexico, and con-
11 stitutes a unique land mass, with significant sci-
12 entific, cultural, historic, recreational, ecological,
13 wildlife, fisheries, and productive values;

14 (2) the Valles Caldera is a large resurgent lava
15 dome with potential geothermal activity;

16 (3) the land comprising the Baca ranch was
17 originally granted to the heirs of Don Luis Maria
18 Cabeza de Vaca in 1860;

19 (4) historical evidence, in the form of old log-
20 ging camps and other artifacts, and the history of
21 territorial New Mexico indicate the importance of
22 this land over many generations for domesticated
23 livestock production and timber supply;

24 (5) the careful husbandry of the Baca ranch by
25 the current owners, including selective timbering,

1 limited grazing and hunting, and the use of pre-
2 scribed fire, have preserved a mix of healthy range
3 and timber land with significant species diversity,
4 thereby serving as a model for sustainable land de-
5 velopment and use;

6 (6) the Baca ranch's natural beauty and abun-
7 dant resources, and its proximity to large municipal
8 populations, could provide numerous recreational op-
9 portunities for hiking, fishing, camping, cross-coun-
10 try skiing, and hunting;

11 (7) the Forest Service documented the scenic
12 and natural values of the Baca ranch in its 1993
13 study entitled "Report on the Study of the Baca Lo-
14 cation No. 1, Santa Fe National Forest, New Mex-
15 ico", as directed by Public Law 101-556;

16 (8) the Baca ranch can be protected for current
17 and future generations by continued operation as a
18 working ranch under a unique management regime
19 which would protect the land and resource values of
20 the property and surrounding ecosystem while allow-
21 ing and providing for the ranch to eventually become
22 financially self-sustaining;

23 (9) the current owners have indicated that they
24 wish to sell the Baca ranch, creating an opportunity

1 for Federal acquisition and public access and enjoy-
2 ment of these lands;

3 (10) certain features on the Baca ranch have
4 historical and religious significance to Native Ameri-
5 cans which can be preserved and protected through
6 Federal acquisition of the property;

7 (11) the unique nature of the Valles Caldera
8 and the potential uses of its resources with different
9 resulting impacts warrants a management regime
10 uniquely capable of developing an operational pro-
11 gram for appropriate preservation and development
12 of the land and resources of the Baca ranch in the
13 interest of the public;

14 (12) an experimental management regime
15 should be provided by the establishment of a Trust
16 capable of using new methods of public land man-
17 agement that may prove to be cost-effective and en-
18 vironmentally sensitive; and

19 (13) the Secretary may promote more efficient
20 management of the Valles Caldera and the water-
21 shed of the Santa Clara Creek through the assign-
22 ment of purchase rights of such watershed to the
23 Pueblo of Santa Clara.

24 (b) PURPOSES.—The purposes of this title are—

1 (1) to authorize Federal acquisition of the Baca
2 ranch;

3 (2) to protect and preserve for future genera-
4 tions the scientific, scenic, historic, and natural val-
5 ues of the Baca ranch, including rivers and eco-
6 systems and archaeological, geological, and cultural
7 resources;

8 (3) to provide opportunities for public recre-
9 ation;

10 (4) to establish a demonstration area for an ex-
11 perimental management regime adapted to this
12 unique property which incorporates elements of pub-
13 lic and private administration in order to promote
14 long term financial sustainability consistent with the
15 other purposes enumerated in this subsection; and

16 (5) to provide for sustained yield management
17 of Baca ranch for timber production and domes-
18 ticated livestock grazing insofar as is consistent with
19 the other purposes stated herein.

20 **SEC. 103. DEFINITIONS.**

21 In this title:

22 (1) **BACA RANCH.**—The term “Baca ranch”
23 means the lands and facilities described in this sec-
24 tion 104(a).

1 (2) BOARD OF TRUSTEES.—The terms “Board
2 of Trustees” and “Board” mean the Board of
3 Trustees as describe in section 107.

4 (3) COMMITTEES OF CONGRESS.—The term
5 “Committees of Congress” means the Committee on
6 Energy and Natural Resources of the Senate and
7 the Committee on Resources of the House of Rep-
8 resentatives.

9 (4) FINANCIALLY SELF-SUSTAINING.—The term
10 “financially self-sustaining” means management and
11 operating expenditures equal to or less than pro-
12 ceeds derived from fees and other receipts for re-
13 source use and development and interest on invested
14 funds. Management and operating expenditures shall
15 include Trustee expenses, salaries and benefits of
16 staff, administrative and operating expenses, im-
17 provements to and maintenance of lands and facili-
18 ties of the Preserve, and other similar expenses.
19 Funds appropriated to the Trust by Congress, either
20 directly or through the Secretary, for the purposes
21 of this title shall not be considered.

22 (5) MULTIPLE USE AND SUSTAINED YIELD.—
23 The term “multiple use and sustained yield” has the
24 combined meaning of the terms “multiple use” and
25 “sustained yield of the several products and serv-

1 ices”, as defined under the Multiple-Use Sustained-
2 Yield Act of 1960 (16 U.S.C. 531).

3 (6) PRESERVE.—The term “Preserve” means
4 the Valles Caldera National Preserve established
5 under section 105.

6 (7) SECRETARY.—Except where otherwise pro-
7 vided, the term “Secretary” means the Secretary of
8 Agriculture.

9 (8) TRUST.—The term “Trust” means the
10 Valles Caldera Trust established under section 106.

11 **SEC. 104. ACQUISITION OF LANDS.**

12 (a) ACQUISITION OF BACA RANCH.—

13 (1) IN GENERAL.—In compliance with the Act
14 of June 15, 1926 (16 U.S.C. 471a), the Secretary
15 is authorized to acquire all or part of the rights,
16 title, and interests in and to approximately 94,761
17 acres of the Baca ranch, comprising the lands, facili-
18 ties, and structures referred to as the Baca Location
19 No. 1, and generally depicted on a plat entitled
20 “Independent Resurvey of the Baca Location No.
21 1”, made by L.A. Osterhoudt, W.V. Hall, and
22 Charles W. Devendorf, U.S. Cadastral Engineers,
23 June 30, 1920–August 24, 1921, under special in-
24 structions for Group No. 107 dated February 12,
25 1920, in New Mexico.

1 (2) SOURCE OF FUNDS.—The acquisition under
2 paragraph (1) may be made by purchase through
3 appropriated or donated funds, by exchange, by con-
4 tribution, or by donation of land. Funds appro-
5 priated to the Secretary from the Land and Water
6 Conservation Fund shall be available for this pur-
7 pose.

8 (3) BASIS OF SALE.—The acquisition under
9 paragraph (1) shall be based on an appraisal done
10 in conformity with the Uniform Appraisal Standards
11 for Federal Land Acquisitions and—

12 (A) in the case of purchase, such purchase
13 shall be on a willing seller basis for no more
14 than the fair market value of the land or inter-
15 ests therein acquired; and

16 (B) in the case of exchange, such exchange
17 shall be for lands, or interests therein, of equal
18 value, in conformity with the existing exchange
19 authorities of the Secretary.

20 (4) DEED.—The conveyance of the offered
21 lands to the United States under this subsection
22 shall be by general warranty or other deed accept-
23 able to the Secretary and in conformity with applica-
24 ble title standards of the Attorney General.

1 (b) ADDITION OF LAND TO BANDELIER NATIONAL
2 MONUMENT.—Upon acquisition of the Baca ranch under
3 subsection (a), the Secretary of the Interior shall assume
4 administrative jurisdiction over those lands within the
5 boundaries of the Bandelier National Monument as modi-
6 fied under section 3 of Public Law 105–376 (112 Stat.
7 3389).

8 (c) PLAT AND MAPS.—

9 (1) PLAT AND MAPS PREVAIL.—In case of any
10 conflict between a plat or a map and acreages, the
11 plat or map shall prevail.

12 (2) MINOR CORRECTIONS.—The Secretary and
13 the Secretary of the Interior may make minor cor-
14 rections in the boundaries of the Upper Alamo wa-
15 tershed as depicted on the map referred to in section
16 3 of Public Law 105–376 (112 Stat. 3389).

17 (3) BOUNDARY MODIFICATION.—Upon the con-
18 veyance of any lands to any entity other than the
19 Secretary, the boundary of the Preserve shall be
20 modified to exclude such lands.

21 (4) FINAL MAPS.—Within 180 days of the date
22 of acquisition of the Baca ranch under subsection
23 (a), the Secretary and the Secretary of the Interior
24 shall submit to the Committees of Congress a final

1 map of the Preserve and a final map of Bandelier
2 National Monument, respectively.

3 (5) PUBLIC AVAILABILITY.—The plat and maps
4 referred to in the subsection shall be kept and made
5 available for public inspection in the offices of the
6 Chief, Forest Service, and Director, National Park
7 Service, in Washington, D.C., and Supervisor, Santa
8 Fe National Forest, and Superintendent, Bandelier
9 National Monument, in the State of New Mexico.

10 (d) WATERSHED MANAGEMENT REPORT.—The Sec-
11 retary, acting through the Forest Service, in cooperation
12 with the Secretary of the Interior, acting through the Na-
13 tional Park Service, shall—

14 (1) prepare a report of management alter-
15 natives which may—

16 (A) provide more coordinated land man-
17 agement within the area known as the upper
18 watersheds of Alamo, Capulin, Medio, and
19 Sanchez Canyons, including the areas known as
20 the Dome Diversity Unit and the Dome Wilder-
21 ness;

22 (B) allow for improved management of elk
23 and other wildlife populations ranging between
24 the Santa Fe National Forest and the Ban-
25 delier National Monument; and

1 (C) include proposed boundary adjust-
2 ments between the Santa Fe National Forest
3 and the Bandelier National Monument to facili-
4 tate the objectives under subparagraphs (A)
5 and (B); and

6 (2) submit the report to the Committees of
7 Congress within 120 days of the date of enactment
8 of this title.

9 (e) OUTSTANDING MINERAL INTERESTS.—The ac-
10 quisition of the Baca ranch by the Secretary shall be sub-
11 ject to all outstanding valid existing mineral interests. The
12 Secretary is authorized and directed to negotiate with the
13 owners of any fractional interest in the subsurface estate
14 for the acquisition of such fractional interest on a willing
15 seller basis for not to exceed its fair market value, as de-
16 termined by appraisal done in conformity with the Uni-
17 form Appraisal Standards for Federal Land Acquisitions.
18 Any such interests acquired within the boundaries of the
19 Upper Alamo watershed, as referred to in subsection (b),
20 shall be administered by the Secretary of the Interior as
21 part of Bandelier National Monument.

22 (f) BOUNDARIES OF THE BACA RANCH.—For pur-
23 poses of section 7 of the Land and Water Conservation
24 Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries

1 of the Baca ranch shall be treated as if they were National
2 Forest boundaries existing as of January 1, 1965.

3 (g) PUEBLO OF SANTA CLARA.—

4 (1) IN GENERAL.—The Secretary may assign to
5 the Pueblo of Santa Clara rights to acquire for fair
6 market value portions of the Baca ranch. The por-
7 tion that may be assigned shall be determined by
8 mutual agreement between the Pueblo and the Sec-
9 retary based on optimal management considerations
10 for the Preserve including manageable land line loca-
11 tions, public access, and retention of scenic and nat-
12 ural values. All appraisals shall be done in con-
13 formity with the Uniform Appraisal Standards for
14 Federal Land Acquisition.

15 (2) STATUS OF LAND ACQUIRED.—As of the
16 date of acquisition, the fee title lands, and any min-
17 eral estate underlying such lands, acquired under
18 this subsection by the Pueblo of Santa Clara are
19 deemed transferred into trust in the name of the
20 United States for the benefit of the Pueblo of Santa
21 Clara and such lands and mineral estate are de-
22 clared to be part of the existing Santa Clara Indian
23 Reservation.

24 (3) MINERAL ESTATE.—Any mineral estate ac-
25 quired by the United States pursuant to section

1 104(e) underlying fee title lands acquired by the
2 Pueblo of Santa Clara shall not be developed without
3 the consent of the Secretary of the Interior and the
4 Pueblo of Santa Clara.

5 (4) SAVINGS.—Any reservations, easements,
6 and covenants contained in an assignment agree-
7 ment entered into under paragraph (1) shall not be
8 affected by the acquisition of the Baca ranch by the
9 United States, the assumption of management by
10 the Valles Caldera Trust, or the lands acquired by
11 the Pueblo being taken into trust.

12 **SEC. 105. THE VALLES CALDERA NATIONAL PRESERVE.**

13 (a) ESTABLISHMENT.—Upon the date of acquisition
14 of the Baca ranch under section 104(a), there is hereby
15 established the Valles Caldera National Preserve as a unit
16 of the National Forest System which shall include all Fed-
17 eral lands and interests in land acquired under sections
18 104(a) and 104(e), except those lands and interests in
19 land administered or held in trust by the Secretary of the
20 Interior under sections 104(b) and 104(g), and shall be
21 managed in accordance with the purposes and require-
22 ments of this title.

23 (b) PURPOSES.—The purposes for which the Preserve
24 is established are to protect and preserve the scientific,
25 scenic, geologic, watershed, fish, wildlife, historic, cultural,

1 and recreational values of the Preserve, and to provide for
2 multiple use and sustained yield of renewable resources
3 within the Preserve, consistent with this title.

4 (c) MANAGEMENT AUTHORITY.—Except for the pow-
5 ers of the Secretary enumerated in this title, the Preserve
6 shall be managed by the Valles Caldera Trust established
7 by section 106.

8 (d) ELIGIBILITY FOR PAYMENT IN LIEU OF
9 TAXES.—Lands acquired by the United States under sec-
10 tion 104(a) shall constitute entitlement lands for purposes
11 of the Payment in Lieu of Taxes Act (31 U.S.C. 6901–
12 6904).

13 (e) WITHDRAWALS.—

14 (1) IN GENERAL.—Upon acquisition of all inter-
15 ests in minerals within the boundaries of the Baca
16 ranch under section 104(e), subject to valid existing
17 rights, the lands comprising the Preserve are there-
18 by withdrawn from disposition under all laws per-
19 taining to mineral leasing, including geothermal
20 leasing.

21 (2) MATERIALS FOR ROADS AND FACILITIES.—
22 Nothing in this title shall preclude the Secretary,
23 prior to assumption of management of the Preserve
24 by the Trust, and the Trust thereafter, from allow-
25 ing the utilization of common varieties of mineral

1 materials such as sand, stone, and gravel as nec-
2 essary for construction and maintenance of roads
3 and facilities within the Preserve.

4 (f) FISH AND GAME.—Nothing in this title shall be
5 construed as affecting the responsibilities of the State of
6 New Mexico with respect to fish and wildlife, including the
7 regulation of hunting, fishing, and trapping within the
8 Preserve, except that the Trust may, in consultation with
9 the Secretary and the State of New Mexico, designate
10 zones where and establish periods when no hunting, fish-
11 ing, or trapping shall be permitted for reasons of public
12 safety, administration, the protection of nongame species
13 and their habitats, or public use and enjoyment.

14 (g) REDONDO PEAK.—

15 (1) IN GENERAL.—For the purposes of pre-
16 serving the natural, cultural, religious, and historic
17 resources on Redondo Peak upon acquisition of the
18 Baca ranch under section 104(a), except as provided
19 in paragraph (2), within the area of Redondo Peak
20 above 10,000 feet in elevation—

21 (A) no roads, structures, or facilities shall
22 be constructed; and

23 (B) no motorized access shall be allowed.

24 (2) EXCEPTIONS.—Nothing in this subsection
25 shall preclude—

1 (A) the use and maintenance of roads and
2 trails existing as of the date of enactment of
3 this Act;

4 (B) the construction, use and maintenance
5 of new trails, and the relocation of existing
6 roads, if located to avoid Native American reli-
7 gious and cultural sites; and

8 (C) motorized access necessary to admin-
9 ister the area by the Trust (including measures
10 required in emergencies involving the health or
11 safety of persons within the area).

12 **SEC. 106. THE VALLES CALDERA TRUST.**

13 (a) ESTABLISHMENT.—There is hereby established a
14 wholly owned government corporation known as the Valles
15 Caldera Trust which is empowered to conduct business in
16 the State of New Mexico and elsewhere in the United
17 States in furtherance of its corporate purposes.

18 (b) CORPORATE PURPOSES.—The purposes of the
19 Trust are—

20 (1) to provide management and administrative
21 services for the Preserve;

22 (2) to establish and implement management
23 policies which will best achieve the purposes and re-
24 quirements of this title;

1 (3) to receive and collect funds from private
2 and public sources and to make dispositions in sup-
3 port of the management and administration of the
4 Preserve; and

5 (4) to cooperate with Federal, State, and local
6 governmental units, and with Indian tribes and
7 Pueblos, to further the purposes for which the Pre-
8 serve was established.

9 (c) NECESSARY POWERS.—The Trust shall have all
10 necessary and proper powers for the exercise of the au-
11 thorities vested in it.

12 (d) STAFF.—

13 (1) IN GENERAL.—The Trust is authorized to
14 appoint and fix the compensation and duties of an
15 executive director and such other officers and em-
16 ployees as it deems necessary without regard to the
17 provisions of title 5, United States Code, governing
18 appointments in the competitive service, and may
19 pay them without regard to the provisions of chapter
20 51, and subchapter III of chapter 53, title 5, United
21 States Code, relating to classification and General
22 Schedule pay rates. No employee of the Trust shall
23 be paid at a rate in excess of that payable to the Su-
24 pervisor of the Santa Fe National Forest or the Su-

1 perintendent of the Bandelier National Monument,
2 whichever is greater.

3 (2) FEDERAL EMPLOYEES.—

4 (A) IN GENERAL.—Except as provided in
5 this title, employees of the Trust shall be Fed-
6 eral employees as defined by title 5, United
7 States Code, and shall be subject to all rights
8 and obligations applicable thereto.

9 (B) USE OF FEDERAL EMPLOYEES.—At
10 the request of the Trust, the employees of any
11 Federal agency may be provided for implemen-
12 tation of this title. Such employees detailed to
13 the Trust for more than 30 days shall be pro-
14 vided on a reimbursable basis.

15 (e) GOVERNMENT CORPORATION.—

16 (1) IN GENERAL.—The Trust shall be a Gov-
17 ernment Corporation subject to chapter 91 of title
18 31, United States Code (commonly referred to as
19 the Government Corporation Control Act). Financial
20 statements of the Trust shall be audited annually in
21 accordance with section 9105 of title 31 of the
22 United States Code.

23 (2) REPORTS.—Not later than January 15 of
24 each year, the Trust shall submit to the Secretary
25 and the Committees of Congress a comprehensive

1 and detailed report of its operations, activities, and
2 accomplishments for the prior year including infor-
3 mation on the status of ecological, cultural, and fi-
4 nancial resources being managed by the Trust, and
5 benefits provided by the Preserve to local commu-
6 nities. The report shall also include a section that
7 describes the Trust's goals for the current year.

8 (3) ANNUAL BUDGET.—

9 (A) IN GENERAL.—The Trust shall pre-
10 pare an annual budget with the goal of achiev-
11 ing a financially self-sustaining operation within
12 15 full fiscal years after the date of acquisition
13 of the Baca ranch under section 104(a).

14 (B) BUDGET REQUEST.—The Secretary
15 shall provide necessary assistance (including
16 detailees as necessary) to the Trust for the
17 timely formulation and submission of the an-
18 nual budget request for appropriations, as au-
19 thorized under section 111(a), to support the
20 administration, operation, and maintenance of
21 the Preserve.

22 (f) TAXES.—The Trust and all properties adminis-
23 tered by the Trust shall be exempt from all taxes and spe-
24 cial assessments of every kind by the State of New Mexico,

1 and its political subdivisions including the counties of
2 Sandoval and Rio Arriba.

3 (g) DONATIONS.—The Trust may solicit and accept
4 donations of funds, property, supplies, or services from in-
5 dividuals, foundations, corporations, and other private or
6 public entities for the purposes of carrying out its duties.
7 The Secretary, prior to assumption of management of the
8 Preserve by the Trust, and the Trust thereafter, may ac-
9 cept donations from such entities notwithstanding that
10 such donors may conduct business with the Department
11 of Agriculture or any other department or agency of the
12 United States.

13 (h) PROCEEDS.—

14 (1) IN GENERAL.—Notwithstanding sections
15 1341 and 3302 of title 31 of the United States
16 Code, all monies received from donations under sub-
17 section (g) or from the management of the Preserve
18 shall be retained and shall be available, without fur-
19 ther appropriation, for the administration, preserva-
20 tion, restoration, operation and maintenance, im-
21 provement, repair, and related expenses incurred
22 with respect to properties under its management ju-
23 risdiction.

24 (2) FUND.—There is hereby established in the
25 Treasury of the United States a special interest

1 bearing fund entitled “Valles Caldera Fund” which
2 shall be available, without further appropriation for
3 any purpose consistent with the purposes of this
4 title. At the option of the Trust, or the Secretary in
5 accordance with section 110, the Secretary of the
6 Treasury shall invest excess monies of the Trust in
7 such account, which shall bear interest at rates de-
8 termined by the Secretary of the Treasury taking
9 into consideration the current average market yield
10 on outstanding marketable obligations of the United
11 States of comparable maturity.

12 (i) RESTRICTIONS ON DISPOSITION OF RECEIPTS.—

13 Any funds received by the Trust, or the Secretary in ac-
14 cordance with section 109(b), from the management of the
15 Preserve shall not be subject to partial distribution to the
16 State under—

17 (1) the Act of May 23, 1908, entitled “an Act
18 making appropriations for the Department of Agri-
19 culture for the fiscal year ending June thirtieth,
20 nineteen hundred and nine” (35 Stat. 260, chapter
21 192; 16 U.S.C. 500);

22 (2) section 13 of the Act of March 1, 1911 (36
23 Stat. 963, chapter 186; 16 U.S.C. 500); or

24 (3) any other law.

1 (j) SUITS.—The Trust may sue and be sued in its
2 own name to the same extent as the Federal Government.
3 For purposes of such suits, the residence of the Trust shall
4 be the State of New Mexico. The Trust shall be rep-
5 resented by the Attorney General in any litigation arising
6 out of the activities of the Trust, except that the Trust
7 may retain private attorneys to provide advice and coun-
8 sel.

9 (k) BYLAWS.—The Trust shall adopt necessary by-
10 laws to govern its activities.

11 (l) INSURANCE AND BOND.—The Trust shall require
12 that all holders of leases from, or parties in contract with,
13 the Trust that are authorized to occupy, use, or develop
14 properties under the management jurisdiction of the
15 Trust, procure proper insurance against any loss in con-
16 nection with such properties, or activities authorized in
17 such lease or contract, as is reasonable and customary.

18 (m) NAME AND INSIGNIA.—The Trust shall have the
19 sole and exclusive right to use the words “Valles Caldera
20 Trust”, and any seal, emblem, or other insignia adopted
21 by the Board of Trustees. Without express written author-
22 ity of the Trust, no person may use the words “Valles
23 Caldera Trust” as the name under which that person shall
24 do or purport to do business, for the purpose of trade,

1 or by way of advertisement, or in any manner that may
2 falsely suggest any connection with the Trust.

3 **SEC. 107. BOARD OF TRUSTEES.**

4 (a) IN GENERAL.—The Trust shall be governed by
5 a 9-member Board of Trustees consisting of the following:

6 (1) VOTING TRUSTEES.—The voting Trustees
7 shall be—

8 (A) the Supervisor of the Santa Fe Na-
9 tional Forest, United States Forest Service;

10 (B) the Superintendent of the Bandelier
11 National Monument, National Park Service;
12 and

13 (C) 7 individuals, appointed by the Presi-
14 dent, in consultation with the congressional del-
15 egation from the State of New Mexico. The 7
16 individuals shall have specific expertise or rep-
17 resent an organization or government entity as
18 follows—

19 (i) one trustee shall have expertise in
20 aspects of domesticated livestock manage-
21 ment, production, and marketing, including
22 range management and livestock business
23 management;

24 (ii) one trustee shall have expertise in
25 the management of game and nongame

1 wildlife and fish populations, including
2 hunting, fishing, and other recreational ac-
3 tivities;

4 (iii) one trustee shall have expertise in
5 the sustainable management of forest
6 lands for commodity and noncommodity
7 purposes;

8 (iv) one trustee shall be active in a
9 nonprofit conservation organization con-
10 cerned with the activities of the Forest
11 Service;

12 (v) one trustee shall have expertise in
13 financial management, budget and pro-
14 gram analysis, and small business oper-
15 ations;

16 (vi) one trustee shall have expertise in
17 the cultural and natural history of the re-
18 gion; and

19 (vii) one trustee shall be active in
20 State or local government in New Mexico,
21 with expertise in the customs of the local
22 area.

23 (2) QUALIFICATIONS.—Of the trustees ap-
24 pointed by the President—

1 (A) none shall be employees of the Federal
2 Government; and

3 (B) at least five shall be residents of the
4 State of New Mexico.

5 (b) INITIAL APPOINTMENTS.—The President shall
6 make the initial appointments to the Board of Trustees
7 within 90 days after acquisition of the Baca ranch under
8 section 104(a).

9 (c) TERMS.—

10 (1) IN GENERAL.—Appointed trustees shall
11 each serve a term of 4 years, except that of the
12 trustees first appointed, 4 shall serve for a term of
13 4 years, and 3 shall serve for a term of 2 years.

14 (2) VACANCIES.—Any vacancy among the ap-
15 pointed trustees shall be filled in the same manner
16 in which the original appointment was made, and
17 any trustee appointed to fill a vacancy shall serve for
18 the remainder of that term for which his or her
19 predecessor was appointed.

20 (3) LIMITATIONS.—No appointed trustee may
21 serve more than 8 years in consecutive terms.

22 (d) QUORUM.—A majority of trustees shall constitute
23 a quorum of the Board for the conduct of business.

24 (e) ORGANIZATION AND COMPENSATION.—

1 (1) IN GENERAL.—The Board shall organize
2 itself in such a manner as it deems most appropriate
3 to effectively carry out the activities of the Trust.

4 (2) COMPENSATION OF TRUSTEES.—Trustees
5 shall serve without pay, but may be reimbursed from
6 the funds of the Trust for the actual and necessary
7 travel and subsistence expenses incurred by them in
8 the performance of their duties.

9 (3) CHAIR.—Trustees shall select a chair from
10 the membership of the Board.

11 (f) LIABILITY OF TRUSTEES.—Appointed trustees
12 shall not be considered Federal employees by virtue of
13 their membership on the Board, except for purposes of
14 the Federal Tort Claims Act, the Ethics in Government
15 Act, and the provisions of chapter 11 of title 18, United
16 States Code.

17 (g) MEETINGS.—

18 (1) LOCATION AND TIMING OF MEETINGS.—
19 The Board shall meet in sessions open to the public
20 at least three times per year in New Mexico. Upon
21 a majority vote made in open session, and a public
22 statement of the reasons therefore, the Board may
23 close any other meetings to the public: *Provided,*
24 That any final decision of the Board to adopt or
25 amend the comprehensive management program

1 under section 108(d) or to approve any activity re-
2 lated to the management of the land or resources of
3 the Preserve shall be made in open public session.

4 (2) PUBLIC INFORMATION.—In addition to
5 other requirements of applicable law, the Board shall
6 establish procedures for providing appropriate public
7 information and periodic opportunities for public
8 comment regarding the management of the Preserve.

9 **SEC. 108. RESOURCE MANAGEMENT.**

10 (a) ASSUMPTION OF MANAGEMENT.—The Trust
11 shall assume all authority provided by this title to manage
12 the Preserve upon a determination by the Secretary, which
13 to the maximum extent practicable shall be made within
14 60 days after the appointment of the Board, that—

15 (1) the Board is duly appointed, and able to
16 conduct business; and

17 (2) provision has been made for essential man-
18 agement services.

19 (b) MANAGEMENT RESPONSIBILITIES.—Upon as-
20 sumption of management of the Preserve under subsection
21 (a), the Trust shall manage the land and resources of the
22 Preserve and the use thereof including, but not limited
23 to such activities as—

24 (1) administration of the operations of the Pre-
25 serve;

1 (2) preservation and development of the land
2 and resources of the Preserve;

3 (3) interpretation of the Preserve and its his-
4 tory for the public;

5 (4) management of public use and occupancy of
6 the Preserve; and

7 (5) maintenance, rehabilitation, repair, and im-
8 provement of property within the Preserve.

9 (c) AUTHORITIES.—

10 (1) IN GENERAL.—The Trust shall develop pro-
11 grams and activities at the Preserve, and shall have
12 the authority to negotiate directly and enter into
13 such agreements, leases, contracts and other ar-
14 rangements with any person, firm, association, orga-
15 nization, corporation or governmental entity, includ-
16 ing without limitation, entities of Federal, State, and
17 local governments, and consultation with Indian
18 tribes and pueblos, as are necessary and appropriate
19 to carry out its authorized activities or fulfill the
20 purposes of this title. Any such agreements may be
21 entered into without regard to section 321 of the Act
22 of June 30, 1932 (40 U.S.C. 303b).

23 (2) PROCEDURES.—The Trust shall establish
24 procedures for entering into lease agreements and
25 other agreements for the use and occupancy of facili-

1 ties of the Preserve. The procedures shall ensure
2 reasonable competition, and set guidelines for deter-
3 mining reasonable fees, terms, and conditions for
4 such agreements.

5 (3) LIMITATIONS.—The Trust may not dispose
6 of any real property in, or convey any water rights
7 appurtenant to the Preserve. The Trust may not
8 convey any easement, or enter into any contract,
9 lease, or other agreement related to use and occu-
10 pancy of property within the Preserve for a period
11 greater than 10 years. Any such easement, contract,
12 lease, or other agreement shall provide that, upon
13 termination of the Trust, such easement, contract,
14 lease or agreement is terminated.

15 (4) APPLICATION OF PROCUREMENT LAWS.—

16 (A) IN GENERAL.—Notwithstanding any
17 other provision of law, Federal laws and regula-
18 tions governing procurement by Federal agen-
19 cies shall not apply to the Trust, with the ex-
20 ception of laws and regulations related to Fed-
21 eral Government contracts governing health and
22 safety requirements, wage rates, and civil
23 rights.

24 (B) PROCEDURES.—The Trust, in con-
25 sultation with the Administrator of Federal

1 Procurement Policy, Office of Management and
2 Budget, shall establish and adopt procedures
3 applicable to the Trust's procurement of goods
4 and services, including the award of contracts
5 on the basis of contractor qualifications, price,
6 commercially reasonable buying practices, and
7 reasonable competition.

8 (d) MANAGEMENT PROGRAM.—Within two years
9 after assumption of management responsibilities for the
10 Preserve, the Trust shall, in accordance with subsection
11 (f), develop a comprehensive program for the management
12 of lands, resources, and facilities within the Preserve to
13 carry out the purposes under section 105(b). To the extent
14 consistent with such purposes, such program shall provide
15 for—

16 (1) operation of the Preserve as a working
17 ranch, consistent with paragraphs (2) through (4);

18 (2) the protection and preservation of the sci-
19 entific, scenic, geologic, watershed, fish, wildlife, his-
20 toric, cultural and recreational values of the Pre-
21 serve;

22 (3) multiple use and sustained yield of renew-
23 able resources within the Preserve;

24 (4) public use of and access to the Preserve for
25 recreation;

1 (5) renewable resource utilization and manage-
2 ment alternatives that, to the extent practicable—

3 (A) benefit local communities and small
4 businesses;

5 (B) enhance coordination of management
6 objectives with those on surrounding National
7 Forest System land; and

8 (C) provide cost savings to the Trust
9 through the exchange of services, including but
10 not limited to labor and maintenance of facili-
11 ties, for resources or services provided by the
12 Trust; and

13 (6) optimizing the generation of income based
14 on existing market conditions, to the extent that it
15 does not unreasonably diminish the long-term scenic
16 and natural values of the area, or the multiple use
17 and sustained yield capability of the land.

18 (e) PUBLIC USE AND RECREATION.—

19 (1) IN GENERAL.—The Trust shall give thor-
20 ough consideration to the provision of appropriate
21 opportunities for public use and recreation that are
22 consistent with the other purposes under section
23 105(b). The Trust is expressly authorized to con-
24 struct and upgrade roads and bridges, and provide
25 other facilities for activities including, but not lim-

1 ited to camping and picnicking, hiking, and cross
2 country skiing. Roads, trails, bridges, and rec-
3 reational facilities constructed within the Preserve
4 shall meet public safety standards applicable to units
5 of the National Forest System and the State of New
6 Mexico.

7 (2) FEES.—Notwithstanding any other provi-
8 sion of law, the Trust is authorized to assess reason-
9 able fees for admission to, and the use and occu-
10 pancy of, the Preserve: *Provided*, That admission
11 fees and any fees assessed for recreational activities
12 shall be implemented only after public notice and a
13 period of not less than 60 days for public comment.

14 (3) PUBLIC ACCESS.—Upon the acquisition of
15 the Baca ranch under section 104(a), and after an
16 interim planning period of no more than two years,
17 the public shall have reasonable access to the Pre-
18 serve for recreation purposes. The Secretary, prior
19 to assumption of management of the Preserve by the
20 Trust, and the Trust thereafter, may reasonably
21 limit the number and types of recreational admis-
22 sions to the Preserve, or any part thereof, based on
23 the capability of the land, resources, and facilities.
24 The use of reservation or lottery systems is expressly
25 authorized to implement this paragraph.

1 (f) APPLICABLE LAWS.—

2 (1) IN GENERAL.—The Trust, and the Sec-
3 retary in accordance with section 109(b), shall ad-
4 minister the Preserve in conformity with this title
5 and all laws pertaining to the National Forest Sys-
6 tem, except the Forest and Rangeland Renewable
7 Resources Planning Act of 1974, as amended (16
8 U.S.C. 1600 et seq.).

9 (2) ENVIRONMENTAL LAWS.—The Trust shall
10 be deemed a Federal agency for the purposes of
11 compliance with Federal environmental laws.

12 (3) CRIMINAL LAWS.—All criminal laws relating
13 to Federal property shall apply to the same extent
14 as on adjacent units of the National Forest System.

15 (4) REPORTS ON APPLICABLE RULES AND REG-
16 ULATIONS.—The Trust may submit to the Secretary
17 and the Committees of Congress a compilation of
18 applicable rules and regulations which in the view of
19 the Trust are inappropriate, incompatible with this
20 title, or unduly burdensome.

21 (5) CONSULTATION WITH TRIBES AND PUEB-
22 LOS.—The Trust is authorized and directed to co-
23 operate and consult with Indian tribes and pueblos
24 on management policies and practices for the Pre-
25 serve which may affect them. The Trust is author-

1 ized to allow the use of lands within the Preserve for
2 religious and cultural uses by Native Americans and,
3 in so doing, may set aside places and times of exclu-
4 sive use consistent with the American Indian Reli-
5 gious Freedom Act (42 U.S.C. 1996 (note)) and
6 other applicable statutes.

7 (6) NO ADMINISTRATIVE APPEAL.—The admin-
8 istrative appeals regulations of the Secretary shall
9 not apply to activities of the Trust and decisions of
10 the Board.

11 (g) LAW ENFORCEMENT AND FIRE MANAGEMENT.—
12 The Secretary shall provide law enforcement services
13 under a cooperative agreement with the Trust to the ex-
14 tent generally authorized in other units of the National
15 Forest System. The Trust shall be deemed a Federal
16 agency for purposes of the law enforcement authorities of
17 the Secretary (within the meaning of section 15008 of the
18 National Forest System Drug Control Act of 1986 (16
19 U.S.C. 559g)). At the request of the Trust, the Secretary
20 may provide fire presuppression, fire suppression, and re-
21 habilitation services: *Provided*, That the Trust shall reim-
22 burse the Secretary for salaries and expenses of fire man-
23 agement personnel, commensurate with services provided.

1 **SEC. 109. AUTHORITIES OF THE SECRETARY.**

2 (a) IN GENERAL.—Notwithstanding the assumption
3 of management of the Preserve by the Trust, the Sec-
4 retary is authorized to—

5 (1) issue any rights-of-way, as defined in the
6 Federal Land Policy and Management Act of 1976,
7 of over 10 years duration, in cooperation with the
8 Trust, including, but not limited to, road and utility
9 rights-of-way, and communication sites;

10 (2) issue orders under and enforce prohibitions
11 generally applicable on other units of the National
12 Forest System, in cooperation with the Trust;

13 (3) exercise the authorities of the Secretary
14 under the Wild and Scenic Rivers Act (16 U.S.C.
15 1278, et seq.) and the Federal Power Act (16
16 U.S.C. 797, et seq.), in cooperation with the Trust;

17 (4) acquire the mineral rights referred to in
18 section 104(e);

19 (5) provide law enforcement and fire manage-
20 ment services under section 108(g);

21 (6) at the request of the Trust, exchange land
22 or interests in land within the Preserve under laws
23 generally applicable to other units of the National
24 Forest System, or otherwise dispose of land or inter-
25 ests in land within the Preserve under Public Law
26 97–465 (16 U.S.C. 521c through 521i);

1 (7) in consultation with the Trust, refer civil
2 and criminal cases pertaining to the Preserve to the
3 Department of Justice for prosecution;

4 (8) retain title to and control over fossils and
5 archaeological artifacts found within the Preserve;

6 (9) at the request of the Trust, construct and
7 operate a visitors' center in or near the Preserve,
8 subject to the availability of appropriated funds;

9 (10) conduct the assessment of the Trust's per-
10 formance, and, if the Secretary determines it nec-
11 essary, recommend to Congress the termination of
12 the Trust, under section 110(b)(2); and

13 (11) conduct such other activities for which ex-
14 press authorization is provided to the Secretary by
15 this title.

16 (b) INTERIM MANAGEMENT.—

17 (1) IN GENERAL.—The Secretary shall manage
18 the Preserve in accordance with this title during the
19 interim period from the date of acquisition of the
20 Baca ranch under section 104(a) to the date of as-
21 sumption of management of the Preserve by the
22 Trust under section 108. The Secretary may enter
23 into any agreement, lease, contract, or other ar-
24 rangement on the same basis as the Trust under
25 section 108(c)(1): *Provided*, That any agreement,

1 lease, contract, or other arrangement entered into by
2 the Secretary shall not exceed two years in duration
3 unless expressly extended by the Trust upon its as-
4 sumption of management of the Preserve.

5 (2) USE OF THE FUND.—All monies received by
6 the Secretary from the management of the Preserve
7 during the interim period under paragraph (1) shall
8 be deposited into the “Valles Caldera Fund” estab-
9 lished under section 106(h)(2), and such monies in
10 the fund shall be available to the Secretary, without
11 further appropriation, for the purpose of managing
12 the Preserve in accordance with the responsibilities
13 and authorities provided to the Trust under section
14 108.

15 (c) SECRETARIAL AUTHORITY.—The Secretary re-
16 tains the authority to suspend any decision of the Board
17 with respect to the management of the Preserve if he finds
18 that the decision is clearly inconsistent with this title.
19 Such authority shall only be exercised personally by the
20 Secretary, and may not be delegated. Any exercise of this
21 authority shall be in writing to the Board, and notification
22 of the decision shall be given to the Committees of Con-
23 gress. Any suspended decision shall be referred back to
24 the Board for reconsideration.

1 (d) ACCESS.—The Secretary shall at all times have
2 access to the Preserve for administrative purposes.

3 **SEC. 110. TERMINATION OF THE TRUST.**

4 (a) IN GENERAL.—The Valles Caldera Trust shall
5 terminate at the end of the twentieth full fiscal year fol-
6 lowing acquisition of the Baca ranch under section 104(a).

7 (b) RECOMMENDATIONS.—

8 (1) BOARD.—

9 (A) If after the fourteenth full fiscal years
10 from the date of acquisition of the Baca ranch
11 under section 104(a), the Board believes the
12 Trust has met the goals and objectives of the
13 comprehensive management program under sec-
14 tion 108(d), but has not become financially self-
15 sustaining, the Board may submit to the Com-
16 mittees of Congress, a recommendation for au-
17 thorization of appropriations beyond that pro-
18 vided under this title.

19 (B) During the eighteenth full fiscal year
20 from the date of acquisition of the Baca ranch
21 under section 104(a), the Board shall submit to
22 the Secretary its recommendation that the
23 Trust be either extended or terminated includ-
24 ing the reasons for such recommendation.

1 (2) SECRETARY.—Within 120 days after receipt
2 of the recommendation of the Board under para-
3 graph (1)(B), the Secretary shall submit to the
4 Committees of Congress the Board’s recommenda-
5 tion on extension or termination along with the rec-
6 ommendation of the Secretary with respect to the
7 same and stating the reasons for such recommenda-
8 tion.

9 (c) EFFECT OF TERMINATION.—In the event of ter-
10 mination of the Trust, the Secretary shall assume all man-
11 agement and administrative functions over the Preserve,
12 and it shall thereafter be managed as a part of the Santa
13 Fe National Forest, subject to all laws applicable to the
14 National Forest System.

15 (d) ASSETS.—In the event of termination of the
16 Trust, all assets of the Trust shall be used to satisfy any
17 outstanding liabilities, and any funds remaining shall be
18 transferred to the Secretary for use, without further ap-
19 propriation, for the management of the Preserve.

20 (e) VALLES CALDERA FUND.—In the event of termi-
21 nation, the Secretary shall assume the powers of the Trust
22 over funds under section 106(h), and the Valles Caldera
23 Fund shall not terminate. Any balances remaining in the
24 fund shall be available to the Secretary, without further

1 appropriation, for any purpose consistent with the pur-
2 poses of this title.

3 **SEC. 111. LIMITATIONS ON FUNDING.**

4 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
5 hereby authorized to be appropriated to the Secretary and
6 the Trust such funds as are necessary for them to carry
7 out the purposes of this title for each of the 15 full fiscal
8 years after the date of acquisition of the Baca ranch under
9 section 104(a).

10 (b) **SCHEDULE OF APPROPRIATIONS.**—Within two
11 years after the first meeting of the Board, the Trust shall
12 submit to Congress a plan which includes a schedule of
13 annual decreasing appropriated funds that will achieve, at
14 a minimum, the financially self-sustained operation of the
15 Trust within 15 full fiscal years after the date of acqui-
16 sition of the Baca ranch under section 104(a).

17 **SEC. 112. GENERAL ACCOUNTING OFFICE STUDY.**

18 (a) **INITIAL STUDY.**—Three years after the assump-
19 tion of management by the Trust, the General Accounting
20 Office shall conduct an interim study of the activities of
21 the Trust and shall report the results of the study to the
22 Committees of Congress. The study shall include, but shall
23 not be limited to, details of programs and activities oper-
24 ated by the Trust and whether it met its obligations under
25 this title.

1 (b) SECOND STUDY.—Seven years after the assump-
2 tion of management by the Trust, the General Accounting
3 Office shall conduct a study of the activities of the Trust
4 and shall report the results of the study to the Committees
5 of Congress. The study shall provide an assessment of any
6 failure to meet obligations that may be identified under
7 subsection (a), and further evaluation on the ability of the
8 Trust to meet its obligations under this title.

9 **TITLE II—FEDERAL LAND**
10 **TRANSACTION FACILITATION**

11 **SEC. 201. SHORT TITLE.**

12 This title may be cited as the “Federal Land Trans-
13 action Facilitation Act”.

14 **SEC. 202. FINDINGS.**

15 Congress finds that—

16 (1) the Bureau of Land Management has au-
17 thority under the Federal Land Policy and Manage-
18 ment Act of 1976 (43 U.S.C. 1701 et seq.) to sell
19 land identified for disposal under its land use plan-
20 ning;

21 (2) the Bureau of Land Management has au-
22 thority under that Act to exchange Federal land for
23 non-Federal land if the exchange would be in the
24 public interest;

1 (3) through land use planning under that Act,
2 the Bureau of Land Management has identified cer-
3 tain tracts of public land for disposal;

4 (4) the Federal land management agencies of
5 the Departments of the Interior and Agriculture
6 have authority under existing law to acquire land
7 consistent with the mission of each agency;

8 (5) the sale or exchange of land identified for
9 disposal and the acquisition of certain non-Federal
10 land from willing landowners would—

11 (A) allow for the reconfiguration of land
12 ownership patterns to better facilitate resource
13 management;

14 (B) contribute to administrative efficiency
15 within Federal land management units; and

16 (C) allow for increased effectiveness of the
17 allocation of fiscal and human resources within
18 the Federal land management agencies;

19 (6) a more expeditious process for disposal and
20 acquisition of land, established to facilitate a more
21 effective configuration of land ownership patterns,
22 would benefit the public interest;

23 (7) many private individuals own land within
24 the boundaries of Federal land management units

1 and desire to sell the land to the Federal Govern-
2 ment;

3 (8) such land lies within national parks, na-
4 tional monuments, national wildlife refuges, national
5 forests, and other areas designated for special man-
6 agement;

7 (9) Federal land management agencies are fac-
8 ing increased workloads from rapidly growing public
9 demand for the use of public land, making it dif-
10 ficult for Federal managers to address problems cre-
11 ated by the existence of inholdings in many areas;

12 (10) in many cases, inholders and the Federal
13 Government would mutually benefit from Federal
14 acquisition of the land on a priority basis;

15 (11) proceeds generated from the disposal of
16 public land may be properly dedicated to the acquisi-
17 tion of inholdings and other land that will improve
18 the resource management ability of the Federal land
19 management agencies and adjoining landowners;

20 (12) using proceeds generated from the disposal
21 of public land to purchase inholdings and other such
22 land from willing sellers would enhance the ability of
23 the Federal land management agencies to—

24 (A) work cooperatively with private land-
25 owners and State and local governments; and

1 (B) promote consolidation of the ownership
2 of public and private land in a manner that
3 would allow for better overall resource manage-
4 ment;

5 (13) in certain locations, the sale of public land
6 that has been identified for disposal is the best way
7 for the public to receive fair market value for the
8 land; and

9 (14) to allow for the least disruption of existing
10 land and resource management programs, the Bu-
11 reau of Land Management may use non-Federal en-
12 tities to prepare appraisal documents for agency re-
13 view and approval consistent with applicable provi-
14 sions of the Uniform Standards for Federal Land
15 Acquisition.

16 **SEC. 203. DEFINITIONS.**

17 In this title:

18 (1) EXCEPTIONAL RESOURCE.—The term “ex-
19 ceptional resource” means a resource of scientific,
20 natural, historic, cultural, or recreational value that
21 has been documented by a Federal, State, or local
22 governmental authority, and for which there is a
23 compelling need for conservation and protection
24 under the jurisdiction of a Federal agency in order

1 to maintain the resource for the benefit of the pub-
2 lic.

3 (2) **FEDERALLY DESIGNATED AREA.**—The term
4 “federally designated area” means land in Alaska
5 and the eleven contiguous Western States (as de-
6 fined in section 103(o) of the Federal Land Policy
7 and Management Act of 1976 (43 U.S.C. 1702(o)))
8 that on the date of enactment of this Act was within
9 the boundary of—

10 (A) a national monument, area of critical
11 environmental concern, national conservation
12 area, national riparian conservation area, na-
13 tional recreation area, national scenic area, re-
14 search natural area, national outstanding nat-
15 ural area, or a national natural landmark man-
16 aged by the Bureau of Land Management;

17 (B) a unit of the National Park System;

18 (C) a unit of the National Wildlife Refuge
19 System;

20 (D) an area of the National Forest System
21 designated for special management by an Act of
22 Congress; or

23 (E) an area within which the Secretary or
24 the Secretary of Agriculture is otherwise au-

1 thorized by law to acquire lands or interests
2 therein that is designated as—

3 (i) wilderness under the Wilderness
4 Act (16 U.S.C. 1131 et seq.);

5 (ii) a wilderness study area;

6 (iii) a component of the Wild and Sce-
7 nic Rivers System under the Wild and Sce-
8 nic Rivers Act (16 U.S.C. 1271 et seq.); or

9 (iv) a component of the National
10 Trails System under the National Trails
11 System Act (16 U.S.C. 1241 et seq.).

12 (3) **INHOLDING.**—The term “inholding” means
13 any right, title, or interest, held by a non-Federal
14 entity, in or to a tract of land that lies within the
15 boundary of a federally designated area.

16 (4) **PUBLIC LAND.**—The term “public land”
17 means public lands (as defined in section 103 of the
18 Federal Land Policy and Management Act of 1976
19 (43 U.S.C. 1702)).

20 (5) **SECRETARY.**—The term “Secretary” means
21 the Secretary of the Interior.

22 **SEC. 204. IDENTIFICATION OF INHOLDINGS.**

23 (a) **IN GENERAL.**—The Secretary and the Secretary
24 of Agriculture shall establish a procedure to—

1 (1) identify, by State, inholdings for which the
2 landowner has indicated a desire to sell the land or
3 interest therein to the United States; and

4 (2) prioritize the acquisition of inholdings in ac-
5 cordance with section 206(c)(3).

6 (b) PUBLIC NOTICE.—As soon as practicable after
7 the date of enactment of this title and periodically there-
8 after, the Secretary and the Secretary of Agriculture shall
9 provide public notice of the procedures referred to in sub-
10 section (a), including any information necessary for the
11 consideration of an inholding under section 206. Such no-
12 tice shall include publication in the Federal Register and
13 by such other means as the Secretary and the Secretary
14 of Agriculture determine to be appropriate.

15 (c) IDENTIFICATION.—An inholding—

16 (1) shall be considered for identification under
17 this section only if the Secretary or the Secretary of
18 Agriculture receive notification of a desire to sell
19 from the landowner in response to public notice
20 given under subsection (b); and

21 (2) shall be deemed to have been established as
22 of the later of—

23 (A) the earlier of—

24 (i) the date on which the land was
25 withdrawn from the public domain; or

1 (ii) the date on which the land was es-
2 tablished or designated for special manage-
3 ment; or

4 (B) the date on which the inholding was
5 acquired by the current owner.

6 (d) NO OBLIGATION TO CONVEY OR ACQUIRE.—The
7 identification of an inholding under this section creates no
8 obligation on the part of a landowner to convey the
9 inholding or any obligation on the part of the United
10 States to acquire the inholding.

11 **SEC. 205. DISPOSAL OF PUBLIC LAND.**

12 (a) IN GENERAL.—The Secretary shall establish a
13 program, using funds made available under section 206,
14 to complete appraisals and satisfy other legal require-
15 ments for the sale or exchange of public land identified
16 for disposal under approved land use plans (as in effect
17 on the date of enactment of this Act) under section 202
18 of the Federal Land Policy and Management Act of 1976
19 (43 U.S.C. 1712).

20 (b) SALE OF PUBLIC LAND.—

21 (1) IN GENERAL.—The sale of public land so
22 identified shall be conducted in accordance with sec-
23 tions 203 and 209 of the Federal Land Policy and
24 Management Act of 1976 (43 U.S.C. 1713, 1719).

1 (2) EXCEPTIONS TO COMPETITIVE BIDDING RE-
2 QUIREMENTS.—The exceptions to competitive bid-
3 ding requirements under section 203(f) of the Fed-
4 eral Land Policy and Management Act of 1976 (43
5 U.S.C. 1713(f)) shall apply to this section in cases
6 in which the Secretary determines it to be necessary.

7 (c) REPORT IN PUBLIC LAND STATISTICS.—The Sec-
8 retary shall provide in the annual publication of Public
9 Land Statistics, a report of activities under this section.

10 (d) TERMINATION OF AUTHORITY.—The authority
11 provided under this section shall terminate 10 years after
12 the date of enactment of this Act.

13 **SEC. 206. FEDERAL LAND DISPOSAL ACCOUNT.**

14 (a) DEPOSIT OF PROCEEDS.—Notwithstanding any
15 other law (except a law that specifically provides for a pro-
16 portion of the proceeds to be distributed to any trust funds
17 of any States), the gross proceeds of the sale or exchange
18 of public land under this Act shall be deposited in a sepa-
19 rate account in the Treasury of the United States to be
20 known as the “Federal Land Disposal Account”.

21 (b) AVAILABILITY.—Amounts in the Federal Land
22 Disposal Account shall be available to the Secretary and
23 the Secretary of Agriculture, without further Act of appro-
24 priation, to carry out this title.

1 (c) USE OF THE FEDERAL LAND DISPOSAL AC-
2 COUNT.—

3 (1) IN GENERAL.—Funds in the Federal Land
4 Disposal Account shall be expended in accordance
5 with this subsection.

6 (2) FUND ALLOCATION.—

7 (A) PURCHASE OF LAND.—Except as au-
8 thorized under subparagraph (C), funds shall
9 be used to purchase lands or interests therein
10 that are otherwise authorized by law to be ac-
11 quired, and that are—

12 (i) inholdings; and

13 (ii) adjacent to federally designated
14 areas and contain exceptional resources.

15 (B) INHOLDINGS.—Not less than 80 per-
16 cent of the funds allocated for the purchase of
17 land within each State shall be used to acquire
18 inholdings identified under section 204.

19 (C) ADMINISTRATIVE AND OTHER EX-
20 PENSES.—An amount not to exceed 20 percent
21 of the funds deposited in the Federal Land Dis-
22 posal Account may be used by the Secretary for
23 administrative and other expenses necessary to
24 carry out the land disposal program under sec-
25 tion 205.

1 (D) SAME STATE PURCHASES.—Of the
2 amounts not used under subparagraph (C), not
3 less than 80 percent shall be expended within
4 the State in which the funds were generated.
5 Any remaining funds may be expended in any
6 other State.

7 (3) PRIORITY.—The Secretary and the Sec-
8 retary of Agriculture shall develop a procedure for
9 prioritizing the acquisition of inholdings and non-
10 Federal lands with exceptional resources as provided
11 in paragraph (2). Such procedure shall consider—

12 (A) the date the inholding was established
13 (as provided in section 204(c));

14 (B) the extent to which acquisition of the
15 land or interest therein will facilitate manage-
16 ment efficiency; and

17 (C) such other criteria as the Secretary
18 and the Secretary of Agriculture deem appro-
19 priate.

20 (4) BASIS OF SALE.—Any land acquired under
21 this section shall be—

22 (A) from a willing seller;

23 (B) contingent on the conveyance of title
24 acceptable to the Secretary, or the Secretary of
25 Agriculture in the case of an acquisition of Na-

1 tional Forest System land, using title standards
2 of the Attorney General;

3 (C) at a price not to exceed fair market
4 value consistent with applicable provisions of
5 the Uniform Appraisal Standards for Federal
6 Land Acquisitions; and

7 (D) managed as part of the unit within
8 which it is contained.

9 (d) CONTAMINATED SITES AND SITES DIFFICULT
10 AND UNECONOMIC TO MANAGE.—Funds in the Federal
11 Land Disposal Account shall not be used to purchase land
12 or an interest in land that, as determined by the Secretary
13 or the Secretary of Agriculture—

14 (1) contains a hazardous substances or is other-
15 wise contaminated; or

16 (2) because of the location or other characteris-
17 tics of the land, would be difficult or uneconomic to
18 manage as Federal land.

19 (e) LAND AND WATER CONSERVATION FUND ACT.—
20 Funds made available under this section shall be supple-
21 mental to any funds appropriated under the Land and
22 Water Conservation Fund Act (16 U.S.C. 4601–4 et seq.).

23 (f) TERMINATION.—On termination of activities
24 under section 205—

1 (1) the Federal Land Disposal Account shall be
2 terminated; and

3 (2) any remaining balance in the account shall
4 become available for appropriation under section 3
5 of the Land and Water Conservation Fund Act (16
6 U.S.C. 4601–6).

7 **SEC. 207. SPECIAL PROVISIONS.**

8 (a) **IN GENERAL.**—Nothing in this title provides an
9 exemption from any limitation on the acquisition of land
10 or interest in land under any Federal Law in effect on
11 the date of enactment of this Act.

12 (b) **OTHER LAW.**—This title shall not apply to land
13 eligible for sale under—

14 (1) Public Law 96–568 (commonly known as
15 the “Santini-Burton Act”) (94 Stat. 3381); or

16 (2) the Southern Nevada Public Land Manage-
17 ment Act of 1998 (112 Stat. 2343).

18 (c) **EXCHANGES.**—Nothing in this title precludes,
19 preempts, or limits the authority to exchange land under
20 authorities providing for the exchange of Federal lands,
21 including but not limited to—

22 (1) the Federal Land Policy and Management
23 Act of 1976 (43 U.S.C. 1701 et seq.); or

1 (2) the Federal Land Exchange Facilitation Act
2 of 1988 (102 Stat. 1086) or the amendments made
3 by that Act.

4 (d) NO NEW RIGHT OR BENEFIT.—Nothing in this
5 Act creates a right or benefit, substantive or procedural,
6 enforceable at law or in equity by a party against the
7 United States, its agencies, its officers, or any other per-
8 son.

Passed the Senate April 13, 2000.

Attest:

Secretary.

106TH CONGRESS
2D SESSION

S. 1892

AN ACT

To authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes.

S 1892 ES—2

S 1892 ES—3

S 1892 ES—4

S 1892 ES—5