

**Calendar No. 497**

106TH CONGRESS  
2D SESSION

**S. 1892**

**[Report No. 106-267]**

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**A BILL**

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.

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APRIL 12, 2000

Reported with an amendment

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**IN THE SENATE OF THE UNITED STATES**

NOVEMBER 9, 1999

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

APRIL 12, 2000

Reported by Mr. MURKOWSKI, with an amendment

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

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**A BILL**

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 **SECTION 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 Baea ranch have~~  
4 ~~historical and religious significance to Native Ameri-~~  
5 ~~eans 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 Baea 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” means  
24 the combined meaning of the terms “multiple use”  
25 and “sustained yield of the several products and

1 services", as defined under the Multiple-Use Sus-  
 2 tained-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 Lower  
18 Alamo watershed;

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

23 (C) include proposed boundary adjust-  
24 ments between the Santa Fe National Forest  
25 and the Bandelier National Monument to facili-

1           tate the objectives under subparagraphs (A)  
2           and (B); and

3           (2) submit the report to the Committees of  
4           Congress within 120 days of the date of enactment  
5           of this title.

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

19          (f) **BOUNDARIES OF THE BACA RANCH.**—For pur-  
20          poses of section 7 of the Land and Water Conservation  
21          Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries  
22          of the Baca ranch shall be treated as if they were National  
23          Forest boundaries existing as of January 1, 1965.

24          (g) **PUEBLO OF SANTA CLARA.**—The Secretary may  
25          assign to the Pueblo of Santa Clara rights to acquire for

1 fair market value portions of the Baca ranch. The portion  
2 that may be assigned shall be determined by mutual agree-  
3 ment between the Pueblo and the Secretary based on opti-  
4 mal management considerations for the Preserve including  
5 manageable land line locations, public access, and reten-  
6 tion of the scenic and natural values. All appraisals shall  
7 be done in conformity with the Uniform Appraisal Stand-  
8 ards for Federal Land Acquisitions.

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

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

19 (b) PURPOSES.—The purposes for which the Preserve  
20 is established are to protect and preserve the scenic, geo-  
21 logic, watershed, fish, wildlife, historic, cultural, and rec-  
22 reational values of the Preserve, and to provide for mul-  
23 tiple use and sustained yield of renewable resources within  
24 the Preserve, consistent with this title.

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

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

10      (e) WITHDRAWALS.—

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

18           (2) MATERIALS FOR ROADS AND FACILITIES.—  
19       Nothing in this title shall preclude the Secretary,  
20       prior to assumption of management of the Preserve  
21       by the Trust, and the Trust thereafter, from allow-  
22       ing the utilization of common varieties of mineral  
23       materials such as sand, stone, and gravel as nec-  
24       essary for construction and maintenance of roads  
25       and facilities within the Preserve.

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

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

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

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

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

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

24               (3) to receive and collect funds from private  
25 and public sources and to make dispositions in sup-

1 port of the management and administration of the  
2 Preserve; and

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

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

10 (d) STAFF.—

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

25 (2) FEDERAL EMPLOYEES.—



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

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

12       (c) ~~GOVERNMENT CORPORATION.~~—

13           (1) ~~IN GENERAL.~~—The Trust shall be a Gov-  
14 ernment Corporation subject to chapter 91 of title  
15 31, United States Code (commonly referred to as  
16 the Government Corporation Control Act). Financial  
17 statements of the Trust shall be audited annually in  
18 accordance with section 9105 of title 31 of the  
19 United States Code.

20           (2) ~~REPORTS.~~—Not later than January 15 of  
21 each year, the Trust shall submit to the Secretary  
22 and the Committees of Congress a comprehensive  
23 and detailed report of its operations, activities, and  
24 accomplishments for the prior year including infor-  
25 mation on the status of ecological, cultural, and fi-

1 nancial resources being managed by the Trust, and  
2 benefits provided by the Preserve to local commu-  
3 nities. The report shall also include a section that  
4 describes the Trust's goals for the current year.

5 (3) ANNUAL BUDGET.—

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

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

19 (f) TAXES.—The Trust and all properties adminis-  
20 tered by the Trust shall be exempt from all taxes and spe-  
21 cial assessments of every kind by the State of New Mexico,  
22 and its political subdivisions including the counties of  
23 Sandoval and Rio Arriba.

24 (g) DONATIONS.—The Trust may solicit and accept  
25 donations of funds, property, supplies, or services from in-

1 individuals, foundations, corporations, and other private or  
2 public entities for the purposes of carrying out its duties.  
3 The Secretary, prior to assumption of management of the  
4 Preserve by the Trust, and the Trust thereafter, may ac-  
5 cept donations from such entities notwithstanding that  
6 such donors may conduct business with the Department  
7 of Agriculture or any other department or agency of the  
8 United States.

9 (h) PROCEEDS.—

10 (1) IN GENERAL.—Notwithstanding sections  
11 ~~1341~~ and ~~3302~~ of title 31 of the United States  
12 Code, all monies received from donations under sub-  
13 section (g) or from the management of the Preserve  
14 shall be retained and shall be available, without fur-  
15 ther appropriation, for the administration, preserva-  
16 tion, restoration, operation and maintenance, im-  
17 provement, repair, and related expenses incurred  
18 with respect to properties under its management ju-  
19 risdiction.

20 (2) FUND.—There is hereby established in the  
21 Treasury of the United States a special interest  
22 bearing fund entitled “Valles Caldera Fund” which  
23 shall be available, without further appropriation for  
24 any purpose consistent with the purposes of this  
25 title. At the option of the Trust, or the Secretary in

1 accordance with section 110, the Secretary of the  
 2 Treasury shall invest excess monies of the Trust in  
 3 such account, which shall bear interest at rates de-  
 4 termined by the Secretary of the Treasury taking  
 5 into consideration the current average market yield  
 6 on outstanding marketable obligations of the United  
 7 States of comparable maturity.

8 (i) RESTRICTIONS ON DISPOSITION OF RECEIPTS.—

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

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

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

20 (3) any other law.

21 (j) SUITS.—The Trust may sue and be sued in its  
 22 own name to the same extent as the Federal Government.  
 23 For purposes of such suits, the residence of the Trust shall  
 24 be the State of New Mexico. The Trust shall be rep-  
 25 resented by the Attorney General in any litigation arising

1 out of the activities of the Trust, except that the Trust  
 2 may retain private attorneys to provide advice and coun-  
 3 sel.

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

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

13 **SEC. 107. BOARD OF TRUSTEES.**

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

16 (1) VOTING TRUSTEES.—The voting Trustees  
 17 shall be—

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

20 (B) the Superintendent of the Bandelier  
 21 National Monument, National Park Service;  
 22 and

23 (C) 7 individuals, appointed by the Presi-  
 24 dent, in consultation with the congressional del-  
 25 egation from the State of New Mexico. The 7

1 individuals shall have specific expertise or rep-  
2 resent an organization or government entity as  
3 follows—

4 (i) one trustee shall have expertise in  
5 aspects of domesticated livestock manage-  
6 ment, production, and marketing, including  
7 range management and livestock business  
8 management;

9 (ii) one trustee shall have expertise in  
10 the management of game and nongame  
11 wildlife and fish populations, including  
12 hunting, fishing, and other recreational ac-  
13 tivities;

14 (iii) one trustee shall have expertise in  
15 the sustainable management of forest  
16 lands for commodity and noncommodity  
17 purposes;

18 (iv) one trustee shall be active in a  
19 nonprofit conservation organization con-  
20 cerned with the activities of the Forest  
21 Service;

22 (v) one trustee shall have expertise in  
23 financial management, budget and pro-  
24 gram analysis, and small business oper-  
25 ations;

1                   (vi) one trustee shall have expertise in  
2                   the cultural and natural history of the re-  
3                   gion; and

4                   (vii) one trustee shall be active in  
5                   State or local government in New Mexico,  
6                   with expertise in the customs of the local  
7                   area.

8                   (2) QUALIFICATIONS.—Of the trustees ap-  
9                   pointed by the President—

10                   (A) none shall be employees of the Federal  
11                   Government; and

12                   (B) at least five shall be residents of the  
13                   State of New Mexico.

14                   (b) INITIAL APPOINTMENTS.—The President shall  
15                   make the initial appointments to the Board of Trustees  
16                   within 90 days after acquisition of the Baca ranch under  
17                   section 104(a).

18                   (c) TERMS.—

19                   (1) IN GENERAL.—Appointed trustees shall  
20                   each serve a term of 4 years, except that of the  
21                   trustees first appointed, 4 shall serve for a term of  
22                   4 years, and 3 shall serve for a term of 2 years.

23                   (2) VACANCIES.—Any vacancy among the ap-  
24                   pointed trustees shall be filled in the same manner  
25                   in which the original appointment was made, and

1 any trustee appointed to fill a vacancy shall serve for  
2 the remainder of that term for which his or her  
3 predecessor was appointed.

4 ~~(3) LIMITATIONS.—~~No appointed trustee may  
5 serve more than 8 years in consecutive terms.

6 ~~(d) QUORUM.—~~A majority of trustees shall constitute  
7 a quorum of the Board for the conduct of business.

8 ~~(e) ORGANIZATION AND COMPENSATION.—~~

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

12 ~~(2) COMPENSATION OF TRUSTEES.—~~Trustees  
13 shall serve without pay, but may be reimbursed from  
14 the funds of the Trust for the actual and necessary  
15 travel and subsistence expenses incurred by them in  
16 the performance of their duties.

17 ~~(3) CHAIR.—~~Trustees shall select a chair from  
18 the membership of the Board.

19 ~~(f) LIABILITY OF TRUSTEES.—~~Appointed trustees  
20 shall not be considered Federal employees by virtue of  
21 their membership on the Board, except for purposes of  
22 the Federal Tort Claims Act, the Ethics in Government  
23 Act, and the provisions of chapter 11 of title 18, United  
24 States Code.

25 ~~(g) MEETINGS.—~~



1           (1) ~~LOCATION AND TIMING OF MEETINGS.—~~

2           The Board shall meet in sessions open to the public  
3           at least three times per year in New Mexico. Upon  
4           a majority vote made in open session, and a public  
5           statement of the reasons therefore, the Board may  
6           close any other meetings to the public: *Provided,*  
7           That any final decision of the Board to adopt or  
8           amend the comprehensive management program  
9           under section 108(d) or to approve any activity re-  
10          lated to the management of the land or resources of  
11          the Preserve shall be made in open public session.

12          (2) ~~PUBLIC INFORMATION.—~~In addition to  
13          other requirements of applicable law, the Board shall  
14          establish procedures for providing appropriate public  
15          information and periodic opportunities for public  
16          comment regarding the management of the Preserve.

17 **SEC. 108. RESOURCE MANAGEMENT.**

18          (a) ~~ASSUMPTION OF MANAGEMENT.—~~The Trust  
19          shall assume all authority provided by this title to manage  
20          the Preserve upon a determination by the Secretary, which  
21          to the maximum extent practicable shall be made within  
22          60 days after the appointment of the Board, that—

23                 (1) the Board is duly appointed, and able to  
24                 conduct business; and

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

3           (b) **MANAGEMENT RESPONSIBILITIES.**—Upon as-  
4           sumption of management of the Preserve under subsection  
5           (a), the Trust shall manage the land and resources of the  
6           Preserve and the use thereof including, but not limited  
7           to such activities as—

8           (1) administration of the operations of the Pre-  
9           serve;

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

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

14          (4) management of public use and occupancy of  
15          the Preserve; and

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

18          (c) **AUTHORITIES.**—

19          (1) **IN GENERAL.**—The Trust shall develop pro-  
20          grams and activities at the Preserve, and shall have  
21          the authority to negotiate directly and enter into  
22          such agreements, leases, contracts and other ar-  
23          rangements with any person, firm, association, orga-  
24          nization, corporation or governmental entity, includ-  
25          ing without limitation, entities of Federal, State, and

1 local governments, and consultation with Indian  
2 tribes and pueblos, as are necessary and appropriate  
3 to carry out its authorized activities or fulfill the  
4 purposes of this title. Any such agreements may be  
5 entered into without regard to section 321 of the  
6 Act of June 30, 1932 (40 U.S.C. 303b).

7 (2) PROCEDURES.—The Trust shall establish  
8 procedures for entering into lease agreements and  
9 other agreements for the use and occupancy of facili-  
10 ties of the Preserve. The procedures shall ensure  
11 reasonable competition, and set guidelines for deter-  
12 mining reasonable fees, terms, and conditions for  
13 such agreements.

14 (3) LIMITATIONS.—The Trust may not dispose  
15 of any real property in, or convey any water rights  
16 appurtenant to the Preserve. The Trust may not  
17 convey any easement, or enter into any contract,  
18 lease, or other agreement related to use and occu-  
19 pancy of property within the Preserve for a period  
20 greater than 10 years. Any such easement, contract,  
21 lease, or other agreement shall provide that, upon  
22 termination of the Trust, such easement, contract,  
23 lease or agreement is terminated.

24 (4) APPLICATION OF PROCUREMENT LAWS.—

1           (A) IN GENERAL.—Notwithstanding any  
2 other provision of law, Federal laws and regula-  
3 tions governing procurement by Federal agen-  
4 cies shall not apply to the Trust, with the ex-  
5 ception of laws and regulations related to Fed-  
6 eral Government contracts governing health and  
7 safety requirements, wage rates, and civil  
8 rights.

9           (B) PROCEDURES.—The Trust, in con-  
10 sultation with the Administrator of Federal  
11 Procurement Policy, Office of Management and  
12 Budget, shall establish and adopt procedures  
13 applicable to the Trust's procurement of goods  
14 and services, including the award of contracts  
15 on the basis of contractor qualifications, price,  
16 commercially reasonable buying practices, and  
17 reasonable competition.

18       (d) MANAGEMENT PROGRAM.—Within two years  
19 after assumption of management responsibilities for the  
20 Preserve, the Trust shall, in accordance with subsection  
21 (f), develop a comprehensive program for the management  
22 of lands, resources, and facilities within the Preserve to  
23 carry out the purposes under section 105(b). To the extent  
24 consistent with such purposes, such program shall provide  
25 for—

- 1           (1) operation of the Preserve as a working  
2 ranch, consistent with paragraphs (2) through (4);
- 3           (2) the protection and preservation of the scenic,  
4 geologic, watershed, fish, wildlife, historic, cultural  
5 and recreational values of the Preserve;
- 6           (3) multiple use and sustained yield of renewable  
7 resources within the Preserve;
- 8           (4) public use of and access to the Preserve for  
9 recreation;
- 10          (5) renewable resource utilization and management  
11 alternatives that, to the extent practicable—
  - 12           (A) benefit local communities and small  
13 businesses;
  - 14           (B) enhance coordination of management  
15 objectives with those on surrounding National  
16 Forest System land; and
  - 17           (C) provide cost savings to the Trust  
18 through the exchange of services, including but  
19 not limited to labor and maintenance of facilities,  
20 for resources or services provided by the  
21 Trust; and
- 22          (6) optimizing the generation of income based  
23 on existing market conditions, to the extent that it  
24 does not unreasonably diminish the long-term scenic

1 and natural values of the area, or diminish the mul-  
2 tiple use and sustained yield capability of the land.

3 (c) PUBLIC USE AND RECREATION.—

4 (1) IN GENERAL.—The Trust shall give thor-  
5 ough consideration to the provision of appropriate  
6 opportunities for public use and recreation that are  
7 consistent with the other purposes under section  
8 105(b). The Trust is expressly authorized to con-  
9 struct and upgrade roads and bridges, and provide  
10 other facilities for activities including, but not lim-  
11 ited to camping and picnicking, hiking, and cross  
12 country skiing. Roads, trails, bridges, and rec-  
13 reational facilities constructed within the Preserve  
14 shall meet public safety standards applicable to units  
15 of the National Forest System and the State of New  
16 Mexico.

17 (2) FEES.—Notwithstanding any other provi-  
18 sion of law, the Trust is authorized to assess reason-  
19 able fees for admission to, and the use and occu-  
20 paney of, the Preserve: *Provided*, That admission  
21 fees and any fees assessed for recreational activities  
22 shall be implemented only after public notice and a  
23 period of not less than 60 days for public comment.

24 (3) PUBLIC ACCESS.—Upon the acquisition of  
25 the Baca ranch under section 104(a), and after an

1 interim planning period of no more than two years,  
2 the public shall have reasonable access to the Pre-  
3 serve for recreation purposes. The Secretary, prior  
4 to assumption of management of the Preserve by the  
5 Trust, and the Trust thereafter, may reasonably  
6 limit the number and types of recreational admis-  
7 sions to the Preserve, or any part thereof, based on  
8 the capability of the land, resources, and facilities.  
9 The use of reservation or lottery systems is expressly  
10 authorized to implement this paragraph.

11 (f) APPLICABLE LAWS.—

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

19 (2) ENVIRONMENTAL LAWS.—The Trust shall  
20 be deemed a Federal agency for the purposes of  
21 compliance with Federal environmental laws.

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

1           (4) REPORTS ON APPLICABLE RULES AND REG-  
2           ULATIONS.—The Trust may submit to the Secretary  
3           and the Committees of Congress a compilation of  
4           applicable rules and regulations which in the view of  
5           the Trust are inappropriate, incompatible with this  
6           title, or unduly burdensome.

7           (5) CONSULTATION WITH TRIBES AND PUEB-  
8           LOS.—The Trust is authorized and directed to co-  
9           operate and consult with Indian tribes and pueblos  
10          on management policies and practices for the Pre-  
11          serve which may affect them. The Trust is author-  
12          ized to allow the use of lands within the Preserve for  
13          religious and cultural uses by Native Americans and,  
14          in so doing, may set aside places and times of exclu-  
15          sive use consistent with the American Indian Reli-  
16          gious Freedom Act (42 U.S.C. 1996 (note)) and  
17          other applicable statutes.

18          (6) NO ADMINISTRATIVE APPEAL.—The admin-  
19          istrative appeals regulations of the Secretary shall  
20          not apply to activities of the Trust and decisions of  
21          the Board.

22          (g) LAW ENFORCEMENT AND FIRE MANAGEMENT.—  
23          The Secretary shall provide law enforcement services  
24          under a cooperative agreement with the Trust to the ex-  
25          tent generally authorized in other units of the National



1 Forest System. At the request of the Trust, the Secretary  
2 may provide fire presuppression, fire suppression, and re-  
3 habilitation services: *Provided*, That the Trust shall reim-  
4 burse the Secretary for salaries and expenses of fire man-  
5 agement personnel, commensurate with services provided.

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

7 (a) IN GENERAL.—Notwithstanding the assumption  
8 of management of the Preserve by the Trust, the Sec-  
9 retary is authorized to—

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

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

18 (3) exercise the authorities of the Secretary  
19 under the Wild and Scenic Rivers Act (16 U.S.C.  
20 1278, et seq.) and the Federal Power Act (16  
21 U.S.C. 797, et seq.); in cooperation with the Trust;

22 (4) acquire the mineral rights referred to in  
23 section 104(e);

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

1           (6) at the request of the Trust, exchange land  
2 or interests in land within the Preserve under laws  
3 generally applicable to other units of the National  
4 Forest System, or otherwise dispose of land or inter-  
5 ests in land within the Preserve under Public Law  
6 97-465 (16 U.S.C. 521e through 521i);

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

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

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

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

19          (11) conduct such other activities for which ex-  
20 press authorization is provided to the Secretary by  
21 this title.

22 (b) INTERIM MANAGEMENT.—

23          (1) IN GENERAL.—The Secretary shall manage  
24 the Preserve under this title during the interim pe-  
25 riod from the date of acquisition of the Baca ranch

1 under section 104(a) to the date of assumption of  
2 management of the Preserve by the Trust under sec-  
3 tion 108: *Provided*, That any agreement, lease, con-  
4 tract, or other arrangement entered into by the Sec-  
5 retary under section 108(e)(1) shall not exceed two  
6 years in duration unless expressly extended by the  
7 Trust upon its assumption of management of the  
8 Preserve.

9 (2) USE OF THE FUND.—All monies received by  
10 the Secretary from the management of the Preserve  
11 during the interim period under paragraph (1) shall  
12 be deposited into the “Valles Caldera Fund” estab-  
13 lished under section 106(h)(2), and such monies in  
14 the fund shall be available to the Secretary, without  
15 further appropriation, for the purpose of managing  
16 the Preserve in accordance with the responsibilities  
17 and authorities provided to the Trust under section  
18 108.

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

1 of the decision shall be given to the Committees of Con-  
 2 gress. Any suspended decision shall be referred back to  
 3 the Board for reconsideration.

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

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

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

10 (b) RECOMMENDATIONS.—

11 (1) BOARD.—

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

22 (B) During the eighteenth full fiscal year  
 23 from the date of acquisition of the Baca ranch  
 24 under section 104(a), the Board shall submit to  
 25 the Secretary its recommendation that the

1           Trust be either extended or terminated includ-  
2           ing the reasons for such recommendation.

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

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

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

22          (e) VALLES CALDERA FUND.—In the event of termi-  
23          nation, the Secretary shall assume the powers of the Trust  
24          over funds under section 106(h), and the Valles Caldera  
25          Fund shall not terminate. Any balances remaining in the

1 fund shall be available to the Secretary, without further  
2 appropriation, for any purpose consistent with the pur-  
3 poses of this title.

4 **SEC. 111. LIMITATIONS ON FUNDING.**

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

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

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

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

1 ated by the Trust and whether it met its obligations under  
2 this title.

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

## 11 **TITLE II—FEDERAL LAND** 12 **TRANSACTION FACILITATION**

### 13 **SECTION 201. SHORT TITLE.**

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

### 16 **SEC. 202. FINDINGS.**

17 Congress finds that—

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

23 (2) the Bureau of Land Management has au-  
24 thority under that Act to exchange Federal land for

1 non-Federal land if the exchange would be in the  
2 public interest;

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

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

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

13 ~~(A) allow for the reconfiguration of land~~  
14 ~~ownership patterns to better facilitate resource~~  
15 ~~management;~~

16 ~~(B) contribute to administrative efficiency~~  
17 ~~within Federal land management units; and~~

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

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



1           (7) many private individuals own land within  
2           the boundaries of Federal land management units  
3           and desire to sell the land to the Federal Govern-  
4           ment;

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

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

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

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

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

1           (A) work cooperatively with private land-  
2 owners and State and local governments; and

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

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

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

18 **SEC. 203. DEFINITIONS.**

19 In this title:

20           (1) **EXCEPTIONAL RESOURCE.**—The term “ex-  
21 ceptional resource” means a resource of scientific,  
22 historic, cultural, or recreational value that has been  
23 documented by a Federal, State, or local govern-  
24 mental authority, and for which extraordinary con-

1       servation and protection is required to maintain the  
2       resource for the benefit of the public.

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~~ of the Federal Land Policy and  
7       Management Act of 1976 (~~43~~ U.S.C. 1702)) that on  
8       the date of enactment of this Act was within the  
9       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, na-  
14       tional volcanic area, research natural area, na-  
15       tional outstanding natural area, or a national  
16       natural landmark managed by the Bureau of  
17       Land Management or under the National For-  
18       est System;

19           ~~(B)~~ a unit of the National Park System;

20           ~~(C)~~ a unit of the National Wildlife Refuge  
21       System; or

22           ~~(D)~~ a wilderness area designated under the  
23       Wilderness Act (~~16~~ U.S.C. 1131 et seq.), the  
24       Wild and Scenic Rivers Act (~~16~~ U.S.C. 1271 et  
25       seq.), or the National Trails System Act (~~16~~

1 U.S.C. 1241 et seq.), or areas of the National  
 2 Forest System designated for special manage-  
 3 ment by an Act of Congress,

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

8 (4) **PUBLIC LAND.**—The term “public land”  
 9 means public lands (as defined in section 103 of the  
 10 Federal Land Policy and Management Act of 1976  
 11 (43 U.S.C. 1702)).

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

14 **SEC. 204. IDENTIFICATION OF INHOLDINGS.**

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

17 (1) identify, by State, inholdings for which the  
 18 landowner has indicated a desire to sell the land or  
 19 an interest in land to the Federal Government; and

20 (2) establish the date on which the land or in-  
 21 terest in land identified became an inholding.

22 (b) **NOTICE OF POLICY.**—The Secretary and the Sec-  
 23 retary of Agriculture shall provide, in the Federal Register  
 24 and through such other means as the Secretaries may de-  
 25 termine to be appropriate, periodic notice to the public of

1 the policy under subsection (a), including any information  
2 required to consider an inholding for acquisition under  
3 section 206.

4 (c) IDENTIFICATION.—An inholding—

5 (1) shall be considered for identification under  
6 this section only if the Secretary or the Secretary of  
7 Agriculture receive notification of a desire to sell  
8 from the landowner in response to public notice  
9 given under subsection (b); and

10 (2) shall be deemed to have been established as  
11 of the later of—

12 (A) the earlier of—

13 (i) the date on which the land was  
14 withdrawn from the public domain; or

15 (ii) the date on which the land was es-  
16 tablished or designated for special manage-  
17 ment; or

18 (B) the date on which the inholding was  
19 acquired by the current owner.

20 (d) NO OBLIGATION TO CONVEY OR ACQUIRE.—The  
21 identification of an inholding under this section creates no  
22 obligation on the part of a landowner to convey the  
23 inholding or any obligation on the part of the United  
24 States to acquire the inholding.

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

2 (a) **IN GENERAL.**—The Secretary shall establish a  
3 program, using funds made available under section 206,  
4 to complete appraisals and satisfy other legal require-  
5 ments for the sale or exchange of public land identified  
6 for disposal under approved land use plans (as in effect  
7 on the date of enactment of this Act) under section 202  
8 of the Federal Land Policy and Management Act of 1976  
9 (43 U.S.C. 1712).

10 (b) **SALE OF PUBLIC LAND.**—

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

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

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

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

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

2 (a) DEPOSIT OF PROCEEDS.—Notwithstanding any  
3 other law (except a law that specifically provides for a pro-  
4 portion of the proceeds to be distributed to any trust funds  
5 of any States), the gross proceeds of the sale or exchange  
6 of public land under this Act shall be deposited in a sepa-  
7 rate account in the Treasury of the United States to be  
8 known as the “Federal Land Disposal Account”.

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

13 (c) USE OF THE FEDERAL LAND DISPOSAL AC-  
14 COUNT.—

15 (1) IN GENERAL.—Funds in the Federal Land  
16 Disposal Account shall be expended in accordance  
17 with this subsection.

18 (2) FUND ALLOCATION.—

19 (A) PURCHASE OF LAND.—Except as au-  
20 thorized under subparagraph (C), funds shall  
21 be used to purchase—

22 (i) inholdings; and

23 (ii) land that is adjacent to federally  
24 designated areas and contains exceptional  
25 resources.

1           (B) ~~INHOLDINGS.~~—Not less than 80 per-  
2           cent of the funds allocated for the purchase of  
3           land within each State shall be used to acquire  
4           inholdings identified under section 204.

5           (C) ~~ADMINISTRATIVE AND OTHER EX-~~  
6           ~~PENSES.~~—An amount not to exceed 20 percent  
7           of the funds in the Federal Land Disposal Ac-  
8           count shall be used by the Secretary for admin-  
9           istrative and other expenses necessary to carry  
10          out the land disposal program under section  
11          205.

12          (D) ~~SAME STATE PURCHASES.~~—Of the  
13          amounts not used under subparagraph (C), not  
14          less than 80 percent shall be expended within  
15          the State in which the funds were generated.  
16          Any remaining funds may be expended in any  
17          other State.

18          (3) ~~PRIORITY.~~—The Secretary and the Sec-  
19          retary of Agriculture may each develop and use cri-  
20          teria for priority of acquisition that are based on—

21               (A) the date on which land or interest in  
22               land became an inholding;

23               (B) the existence of exceptional resources  
24               on the land; and

25               (C) management efficiency.



1           (4) BASIS OF SALE.—Any acquisition of land  
2 under this section shall be—

3           (A) from a willing seller;

4           (B) contingent on the conveyance of title  
5 acceptable to the Secretary, or the Secretary of  
6 Agriculture in the case of an acquisition of Na-  
7 tional Forest System land, using title standards  
8 of the Attorney General; and

9           (C) at a price not to exceed fair market  
10 value consistent with applicable provisions of  
11 the Uniform Appraisal Standards for Federal  
12 Land Acquisitions.

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

18           (1) contains a hazardous substances or is other-  
19 wise contaminated; or

20           (2) because of the location or other characteris-  
21 ties of the land, would be difficult or uneconomic to  
22 manage as Federal land.

23       (e) LAND AND WATER CONSERVATION FUND ACT.—  
24 Funds made available under this section shall be supple-

1 mental to any funds appropriated under the Land and  
2 Water Conservation Fund Act (16 U.S.C. 4601–4 et seq.).

3 (f) **TERMINATION.**—On termination of activities  
4 under section 5—

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

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

11 **SEC. 207. SPECIAL PROVISIONS.**

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

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

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

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

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

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

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

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

11 **TITLE I—VALLES CALDERA NA-**  
12 **TIONAL PRESERVE AND**  
13 **TRUST**

14 **SEC. 101. SHORT TITLE.**

15           *This title may be cited as the “Valles Caldera Preser-*  
16 *vation Act”.*

17 **SEC. 102. FINDINGS AND PURPOSES.**

18           (a) *FINDINGS.*—Congress finds that—

19           (1) *the Baca ranch comprises most of the Valles*  
20 *Caldera in central New Mexico, and constitutes a*  
21 *unique land mass, with significant scientific, cul-*  
22 *tural, historic, recreational, ecological, wildlife, fish-*  
23 *eries, and productive values;*

24           (2) *the Valles Caldera is a large resurgent lava*  
25 *dome with potential geothermal activity;*

1           (3) *the land comprising the Baca ranch was*  
2 *originally granted to the heirs of Don Luis Maria*  
3 *Cabeza de Vaca in 1860;*

4           (4) *historical evidence, in the form of old logging*  
5 *camps and other artifacts, and the history of terri-*  
6 *torial New Mexico indicate the importance of this*  
7 *land over many generations for domesticated livestock*  
8 *production and timber supply;*

9           (5) *the careful husbandry of the Baca ranch by*  
10 *the current owners, including selective timbering, lim-*  
11 *ited grazing and hunting, and the use of prescribed*  
12 *fire, have preserved a mix of healthy range and tim-*  
13 *ber land with significant species diversity, thereby*  
14 *servng as a model for sustainable land development*  
15 *and use;*

16           (6) *the Baca ranch's natural beauty and abun-*  
17 *dant resources, and its proximity to large municipal*  
18 *populations, could provide numerous recreational op-*  
19 *portunities for hiking, fishing, camping, cross-country*  
20 *skiing, and hunting;*

21           (7) *the Forest Service documented the scenic and*  
22 *natural values of the Baca ranch in its 1993 study*  
23 *entitled "Report on the Study of the Baca Location*  
24 *No. 1, Santa Fe National Forest, New Mexico", as di-*  
25 *rected by Public Law 101-556;*

1           (8) *the Baca ranch can be protected for current*  
2           *and future generations by continued operation as a*  
3           *working ranch under a unique management regime*  
4           *which would protect the land and resource values of*  
5           *the property and surrounding ecosystem while allow-*  
6           *ing and providing for the ranch to eventually become*  
7           *financially self-sustaining;*

8           (9) *the current owners have indicated that they*  
9           *wish to sell the Baca ranch, creating an opportunity*  
10          *for Federal acquisition and public access and enjoy-*  
11          *ment of these lands;*

12          (10) *certain features on the Baca ranch have his-*  
13          *torical and religious significance to Native Americans*  
14          *which can be preserved and protected through Federal*  
15          *acquisition of the property;*

16          (11) *the unique nature of the Valles Caldera and*  
17          *the potential uses of its resources with different result-*  
18          *ing impacts warrants a management regime uniquely*  
19          *capable of developing an operational program for ap-*  
20          *propriate preservation and development of the land*  
21          *and resources of the Baca ranch in the interest of the*  
22          *public;*

23          (12) *an experimental management regime should*  
24          *be provided by the establishment of a Trust capable*  
25          *of using new methods of public land management that*

1        *may prove to be cost-effective and environmentally*  
2        *sensitive; and*

3                *(13) the Secretary may promote more efficient*  
4        *management of the Valles Caldera and the watershed*  
5        *of the Santa Clara Creek through the assignment of*  
6        *purchase rights of such watershed to the Pueblo of*  
7        *Santa Clara.*

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

9                *(1) to authorize Federal acquisition of the Baca*  
10        *ranch;*

11                *(2) to protect and preserve for future generations*  
12        *the scientific, scenic, historic, and natural values of*  
13        *the Baca ranch, including rivers and ecosystems and*  
14        *archaeological, geological, and cultural resources;*

15                *(3) to provide opportunities for public recre-*  
16        *ation;*

17                *(4) to establish a demonstration area for an ex-*  
18        *perimental management regime adapted to this*  
19        *unique property which incorporates elements of public*  
20        *and private administration in order to promote long*  
21        *term financial sustainability consistent with the other*  
22        *purposes enumerated in this subsection; and*

23                *(5) to provide for sustained yield management of*  
24        *Baca ranch for timber production and domesticated*

1        *livestock grazing insofar as is consistent with the*  
2        *other purposes stated herein.*

3    **SEC. 103. DEFINITIONS.**

4        *In this title:*

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

8            (2) *BOARD OF TRUSTEES.*—*The terms “Board of*  
9        *Trustees” and “Board” mean the Board of Trustees*  
10       *as described in section 107.*

11           (3) *COMMITTEES OF CONGRESS.*—*The term*  
12       *“Committees of Congress” means the Committee on*  
13       *Energy and Natural Resources of the Senate and the*  
14       *Committee on Resources of the House of Representa-*  
15       *tives.*

16           (4) *FINANCIALLY SELF-SUSTAINING.*—*The term*  
17       *“financially self-sustaining” means management and*  
18       *operating expenditures equal to or less than proceeds*  
19       *derived from fees and other receipts for resource use*  
20       *and development and interest on invested funds. Man-*  
21       *agement and operating expenditures shall include*  
22       *Trustee expenses, salaries and benefits of staff, admin-*  
23       *istrative and operating expenses, improvements to*  
24       *and maintenance of lands and facilities of the Pre-*  
25       *serve, and other similar expenses. Funds appropriated*

1       to the Trust by Congress, either directly or through  
2       the Secretary, for the purposes of this title shall not  
3       be considered.

4               (5) *MULTIPLE USE AND SUSTAINED YIELD.*—The  
5       term “multiple use and sustained yield” has the com-  
6       bined meaning of the terms “multiple use” and “sus-  
7       tained yield of the several products and services”, as  
8       defined under the Multiple-Use Sustained-Yield Act of  
9       1960 (16 U.S.C. 531).

10              (6) *PRESERVE.*—The term “Preserve” means the  
11       Valles Caldera National Preserve established under  
12       section 105.

13              (7) *SECRETARY.*—Except where otherwise pro-  
14       vided, the term “Secretary” means the Secretary of  
15       Agriculture.

16              (8) *TRUST.*—The term “Trust” means the Valles  
17       Caldera Trust established under section 106.

18       **SEC. 104. ACQUISITION OF LANDS.**

19              (a) *ACQUISITION OF BACA RANCH.*—

20                   (1) *IN GENERAL.*—In compliance with the Act of  
21       June 15, 1926 (16 U.S.C. 471a), the Secretary is au-  
22       thorized to acquire all or part of the rights, title, and  
23       interests in and to approximately 94,761 acres of the  
24       Baca ranch, comprising the lands, facilities, and  
25       structures referred to as the Baca Location No. 1, and



1 *generally depicted on a plat entitled “Independent*  
2 *Resurvey of the Baca Location No. 1”, made by L.A.*  
3 *Osterhoudt, W.V. Hall, and Charles W. Devendorf,*  
4 *U.S. Cadastral Engineers, June 30, 1920–August 24,*  
5 *1921, under special instructions for Group No. 107*  
6 *dated February 12, 1920, in New Mexico.*

7 (2) *SOURCE OF FUNDS.—The acquisition under*  
8 *paragraph (1) may be made by purchase through ap-*  
9 *propriated or donated funds, by exchange, by con-*  
10 *tribution, or by donation of land. Funds appro-*  
11 *riated to the Secretary from the Land and Water*  
12 *Conservation Fund shall be available for this purpose.*

13 (3) *BASIS OF SALE.—The acquisition under*  
14 *paragraph (1) shall be based on an appraisal done in*  
15 *conformity with the Uniform Appraisal Standards*  
16 *for Federal Land Acquisitions and—*

17 (A) *in the case of purchase, such purchase*  
18 *shall be on a willing seller basis for no more*  
19 *than the fair market value of the land or inter-*  
20 *ests therein acquired; and*

21 (B) *in the case of exchange, such exchange*  
22 *shall be for lands, or interests therein, of equal*  
23 *value, in conformity with the existing exchange*  
24 *authorities of the Secretary.*

1           (4) *DEED.*—*The conveyance of the offered lands*  
2           *to the United States under this subsection shall be by*  
3           *general warranty or other deed acceptable to the Sec-*  
4           *retary and in conformity with applicable title stand-*  
5           *ards of the Attorney General.*

6           (b) *ADDITION OF LAND TO BANDELIER NATIONAL*  
7           *MONUMENT.*—*Upon acquisition of the Baca ranch under*  
8           *subsection (a), the Secretary of the Interior shall assume*  
9           *administrative jurisdiction over those lands within the*  
10           *boundaries of the Bandelier National Monument as modi-*  
11           *fied under section 3 of Public Law 105–376 (112 Stat.*  
12           *3389).*

13           (c) *PLAT AND MAPS.*—

14           (1) *PLAT AND MAPS PREVAIL.*—*In case of any*  
15           *conflict between a plat or a map and acreages, the*  
16           *plat or map shall prevail.*

17           (2) *MINOR CORRECTIONS.*—*The Secretary and*  
18           *the Secretary of the Interior may make minor correc-*  
19           *tions in the boundaries of the Upper Alamo watershed*  
20           *as depicted on the map referred to in section 3 of*  
21           *Public Law 105–376 (112 Stat. 3389).*

22           (3) *BOUNDARY MODIFICATION.*—*Upon the con-*  
23           *veyance of any lands to any entity other than the*  
24           *Secretary, the boundary of the Preserve shall be modi-*  
25           *fied to exclude such lands.*

1           (4) *FINAL MAPS.*—Within 180 days of the date  
2 of acquisition of the Baca ranch under subsection (a),  
3 the Secretary and the Secretary of the Interior shall  
4 submit to the Committees of Congress a final map of  
5 the Preserve and a final map of Bandelier National  
6 Monument, respectively.

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

14       (d) *WATERSHED MANAGEMENT REPORT.*—The Sec-  
15 retary, acting through the Forest Service, in cooperation  
16 with the Secretary of the Interior, acting through the Na-  
17 tional Park Service, shall—

18           (1) prepare a report of management alternatives  
19 which may—

20           (A) provide more coordinated land manage-  
21 ment within the area known as the upper water-  
22 sheds of Alamo, Capulin, Medio, and Sanchez  
23 Canyons, including the areas known as the  
24 Dome Diversity Unit and the Dome Wilderness;

1           (B) allow for improved management of elk  
2           and other wildlife populations ranging between  
3           the Santa Fe National Forest and the Bandelier  
4           National Monument; and

5           (C) include proposed boundary adjustments  
6           between the Santa Fe National Forest and the  
7           Bandelier National Monument to facilitate the  
8           objectives under subparagraphs (A) and (B); and

9           (2) submit the report to the Committees of Con-  
10          gress within 120 days of the date of enactment of this  
11          title.

12          (e) *OUTSTANDING MINERAL INTERESTS.*—*The acquisi-*  
13          *tion of the Baca ranch by the Secretary shall be subject to*  
14          *all outstanding valid existing mineral interests. The Sec-*  
15          *retary is authorized and directed to negotiate with the own-*  
16          *ers of any fractional interest in the subsurface estate for*  
17          *the acquisition of such fractional interest on a willing seller*  
18          *basis for not to exceed its fair market value, as determined*  
19          *by appraisal done in conformity with the Uniform Ap-*  
20          *praisal Standards for Federal Land Acquisitions. Any such*  
21          *interests acquired within the boundaries of the Upper*  
22          *Alamo watershed, as referred to in subsection (b), shall be*  
23          *administered by the Secretary of the Interior as part of*  
24          *Bandelier National Monument.*

1           (f) *BOUNDARIES OF THE BACA RANCH.*—For purposes  
2 of section 7 of the Land and Water Conservation Fund Act  
3 of 1965 (16 U.S.C. 4601–9), the boundaries of the Baca  
4 ranch shall be treated as if they were National Forest  
5 boundaries existing as of January 1, 1965.

6           (g) *PUEBLO OF SANTA CLARA.*—

7           (1) *IN GENERAL.*—The Secretary may assign to  
8 the Pueblo of Santa Clara rights to acquire for fair  
9 market value portions of the Baca ranch. The portion  
10 that may be assigned shall be determined by mutual  
11 agreement between the Pueblo and the Secretary based  
12 on optimal management considerations for the Pre-  
13 serve including manageable land line locations, public  
14 access, and retention of scenic and natural values. All  
15 appraisals shall be done in conformity with the Uni-  
16 form Appraisal Standards for Federal Land Acquisi-  
17 tion.

18           (2) *STATUS OF LAND ACQUIRED.*—As of the date  
19 of acquisition, the fee title lands, and any mineral es-  
20 tate underlying such lands, acquired under this sub-  
21 section by the Pueblo of Santa Clara are deemed  
22 transferred into trust in the name of the United  
23 States for the benefit of the Pueblo of Santa Clara  
24 and such lands and mineral estate are declared to be  
25 part of the existing Santa Clara Indian Reservation.

1           (3) *MINERAL ESTATE.*—Any mineral estate ac-  
2           quired by the United States pursuant to section  
3           104(e) underlying fee title lands acquired by the  
4           Pueblo of Santa Clara shall not be developed without  
5           the consent of the Secretary of the Interior and the  
6           Pueblo of Santa Clara.

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

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

15          (a) *ESTABLISHMENT.*—Upon the date of acquisition of  
16          the Baca ranch under section 104(a), there is hereby estab-  
17          lished the Valles Caldera National Preserve as a unit of the  
18          National Forest System which shall include all Federal  
19          lands and interests in land acquired under sections 104(a)  
20          and 104(e), except those lands and interests in land admin-  
21          istered or held in trust by the Secretary of the Interior  
22          under sections 104(b) and 104(g), and shall be managed  
23          in accordance with the purposes and requirements of this  
24          title.

1       (b) *PURPOSES.*—*The purposes for which the Preserve*  
2 *is established are to protect and preserve the scientific, sce-*  
3 *nic, geologic, watershed, fish, wildlife, historic, cultural, and*  
4 *recreational values of the Preserve, and to provide for mul-*  
5 *tiple use and sustained yield of renewable resources within*  
6 *the Preserve, consistent with this title.*

7       (c) *MANAGEMENT AUTHORITY.*—*Except for the powers*  
8 *of the Secretary enumerated in this title, the Preserve shall*  
9 *be managed by the Valles Caldera Trust established by sec-*  
10 *tion 106.*

11       (d) *ELIGIBILITY FOR PAYMENT IN LIEU OF TAXES.*—  
12 *Lands acquired by the United States under section 104(a)*  
13 *shall constitute entitlement lands for purposes of the Pay-*  
14 *ment in Lieu of Taxes Act (31 U.S.C. 6901–6904).*

15       (e) *WITHDRAWALS.*—

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

23           (2) *MATERIALS FOR ROADS AND FACILITIES.*—  
24 *Nothing in this title shall preclude the Secretary,*  
25 *prior to assumption of management of the Preserve by*

1        *the Trust, and the Trust thereafter, from allowing the*  
 2        *utilization of common varieties of mineral materials*  
 3        *such as sand, stone, and gravel as necessary for con-*  
 4        *struction and maintenance of roads and facilities*  
 5        *within the Preserve.*

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

16       *(g) REDONDO PEAK.—*

17                *(1) IN GENERAL.—For the purposes of preserving*  
 18        *the natural, cultural, religious, and historic resources*  
 19        *on Redondo Peak upon acquisition of the Baca ranch*  
 20        *under section 104(a), except as provided in para-*  
 21        *graph (2), within the area of Redondo Peak above*  
 22        *10,000 feet in elevation—*

23                        *(A) no roads, structures, or facilities shall*  
 24                        *be constructed; and*

25                        *(B) no motorized access shall be allowed.*



1           (2) *EXCEPTIONS.*—*Nothing in this subsection*  
2     *shall preclude—*

3                 (A) *the use and maintenance of roads and*  
4     *trails existing as of the date of enactment of this*  
5     *Act;*

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

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

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

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

20           (b) *CORPORATE PURPOSES.*—*The purposes of the*  
21     *Trust are—*

22                 (1) *to provide management and administrative*  
23     *services for the Preserve;*

1           (2) *to establish and implement management*  
2           *policies which will best achieve the purposes and re-*  
3           *quirements of this title;*

4           (3) *to receive and collect funds from private and*  
5           *public sources and to make dispositions in support of*  
6           *the management and administration of the Preserve;*  
7           *and*

8           (4) *to cooperate with Federal, State, and local*  
9           *governmental units, and with Indian tribes and*  
10          *Pueblos, to further the purposes for which the Preserve*  
11          *was established.*

12          (c) *NECESSARY POWERS.—The Trust shall have all*  
13          *necessary and proper powers for the exercise of the authori-*  
14          *ties vested in it.*

15          (d) *STAFF.—*

16               (1) *IN GENERAL.—The Trust is authorized to ap-*  
17               *point and fix the compensation and duties of an exec-*  
18               *utive director and such other officers and employees*  
19               *as it deems necessary without regard to the provisions*  
20               *of title 5, United States Code, governing appoint-*  
21               *ments in the competitive service, and may pay them*  
22               *without regard to the provisions of chapter 51, and*  
23               *subchapter III of chapter 53, title 5, United States*  
24               *Code, relating to classification and General Schedule*  
25               *pay rates. No employee of the Trust shall be paid at*

1        *a rate in excess of that payable to the Supervisor of*  
2        *the Santa Fe National Forest or the Superintendent*  
3        *of the Bandelier National Monument, whichever is*  
4        *greater.*

5            (2) *FEDERAL EMPLOYEES.—*

6            (A) *IN GENERAL.—Except as provided in*  
7        *this title, employees of the Trust shall be Federal*  
8        *employees as defined by title 5, United States*  
9        *Code, and shall be subject to all rights and obli-*  
10       *gations applicable thereto.*

11          (B) *USE OF FEDERAL EMPLOYEES.—At the*  
12       *request of the Trust, the employees of any Fed-*  
13       *eral agency may be provided for implementation*  
14       *of this title. Such employees detailed to the Trust*  
15       *for more than 30 days shall be provided on a re-*  
16       *imbursable basis.*

17          (e) *GOVERNMENT CORPORATION.—*

18          (1) *IN GENERAL.—The Trust shall be a Govern-*  
19       *ment Corporation subject to chapter 91 of title 31,*  
20       *United States Code (commonly referred to as the Gov-*  
21       *ernment Corporation Control Act). Financial state-*  
22       *ments of the Trust shall be audited annually in ac-*  
23       *cordance with section 9105 of title 31 of the United*  
24       *States Code.*

1           (2) *REPORTS.*—Not later than January 15 of  
2 each year, the Trust shall submit to the Secretary and  
3 the Committees of Congress a comprehensive and de-  
4 tailed report of its operations, activities, and accom-  
5 plishments for the prior year including information  
6 on the status of ecological, cultural, and financial re-  
7 sources being managed by the Trust, and benefits pro-  
8 vided by the Preserve to local communities. The report  
9 shall also include a section that describes the Trust's  
10 goals for the current year.

11           (3) *ANNUAL BUDGET.*—

12           (A) *IN GENERAL.*—The Trust shall prepare  
13 an annual budget with the goal of achieving a  
14 financially self-sustaining operation within 15  
15 full fiscal years after the date of acquisition of  
16 the Baca ranch under section 104(a).

17           (B) *BUDGET REQUEST.*—The Secretary  
18 shall provide necessary assistance (including  
19 detailees as necessary) to the Trust for the timely  
20 formulation and submission of the annual budget  
21 request for appropriations, as authorized under  
22 section 111(a), to support the administration,  
23 operation, and maintenance of the Preserve.

24           (f) *TAXES.*—The Trust and all properties administered  
25 by the Trust shall be exempt from all taxes and special as-

1 *sessments of every kind by the State of New Mexico, and*  
 2 *its political subdivisions including the counties of Sandoval*  
 3 *and Rio Arriba.*

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

14       (h) *PROCEEDS.*—

15           (1) *IN GENERAL.*—*Notwithstanding sections*  
 16 *1341 and 3302 of title 31 of the United States Code,*  
 17 *all monies received from donations under subsection*  
 18 *(g) or from the management of the Preserve shall be*  
 19 *retained and shall be available, without further ap-*  
 20 *propriation, for the administration, preservation, res-*  
 21 *toration, operation and maintenance, improvement,*  
 22 *repair, and related expenses incurred with respect to*  
 23 *properties under its management jurisdiction.*

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

1        *ing fund entitled “Valles Caldera Fund” which shall*  
2        *be available, without further appropriation for any*  
3        *purpose consistent with the purposes of this title. At*  
4        *the option of the Trust, or the Secretary in accord-*  
5        *ance with section 110, the Secretary of the Treasury*  
6        *shall invest excess monies of the Trust in such ac-*  
7        *count, which shall bear interest at rates determined*  
8        *by the Secretary of the Treasury taking into consider-*  
9        *ation the current average market yield on outstanding*  
10       *marketable obligations of the United States of com-*  
11       *parable maturity.*

12       *(i) RESTRICTIONS ON DISPOSITION OF RECEIPTS.—*  
13       *Any funds received by the Trust, or the Secretary in accord-*  
14       *ance with section 109(b), from the management of the Pre-*  
15       *serve shall not be subject to partial distribution to the State*  
16       *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, nine-*  
20                *teen hundred and nine” (35 Stat. 260, chapter 192;*  
21                *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 own*  
2 *name to the same extent as the Federal Government. For*  
3 *purposes of such suits, the residence of the Trust shall be*  
4 *the State of New Mexico. The Trust shall be represented by*  
5 *the Attorney General in any litigation arising out of the*  
6 *activities of the Trust, except that the Trust may retain*  
7 *private attorneys to provide advice and counsel.*

8           (k) *BYLAWS.*—*The Trust shall adopt necessary bylaws*  
9 *to govern its activities.*

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

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

1 **SEC. 107. BOARD OF TRUSTEES.**

2 (a) *IN GENERAL.*—*The Trust shall be governed by a*  
3 *9-member Board of Trustees consisting of the following:*

4 (1) *VOTING TRUSTEES.*—*The voting Trustees*  
5 *shall be—*

6 (A) *the Supervisor of the Santa Fe National*  
7 *Forest, United States Forest Service;*

8 (B) *the Superintendent of the Bandelier Na-*  
9 *tional Monument, National Park Service; and*

10 (C) *7 individuals, appointed by the Presi-*  
11 *dent, in consultation with the congressional dele-*  
12 *gation from the State of New Mexico. The 7 indi-*  
13 *viduals shall have specific expertise or represent*  
14 *an organization or government entity as*  
15 *follows—*

16 (i) *one trustee shall have expertise in*  
17 *aspects of domesticated livestock manage-*  
18 *ment, production, and marketing, including*  
19 *range management and livestock business*  
20 *management;*

21 (ii) *one trustee shall have expertise in*  
22 *the management of game and nongame*  
23 *wildlife and fish populations, including*  
24 *hunting, fishing, and other recreational ac-*  
25 *tivities;*



1                   (iii) one trustee shall have expertise in  
2                   the sustainable management of forest lands  
3                   for commodity and noncommodity purposes;

4                   (iv) one trustee shall be active in a  
5                   nonprofit conservation organization con-  
6                   cerned with the activities of the Forest Serv-  
7                   ice;

8                   (v) one trustee shall have expertise in  
9                   financial management, budget and program  
10                  analysis, and small business operations;

11                  (vi) one trustee shall have expertise in  
12                  the cultural and natural history of the re-  
13                  gion; and

14                  (vii) one trustee shall be active in  
15                  State or local government in New Mexico,  
16                  with expertise in the customs of the local  
17                  area.

18                  (2) *QUALIFICATIONS.*—Of the trustees appointed  
19                  by the President—

20                         (A) none shall be employees of the Federal  
21                         Government; and

22                         (B) at least five shall be residents of the  
23                         State of New Mexico.

24                  (b) *INITIAL APPOINTMENTS.*—The President shall  
25                  make the initial appointments to the Board of Trustees

1 *within 90 days after acquisition of the Baca ranch under*  
2 *section 104(a).*

3 (c) *TERMS.—*

4 (1) *IN GENERAL.—Appointed trustees shall each*  
5 *serve a term of 4 years, except that of the trustees first*  
6 *appointed, 4 shall serve for a term of 4 years, and 3*  
7 *shall serve for a term of 2 years.*

8 (2) *VACANCIES.—Any vacancy among the ap-*  
9 *pointed trustees shall be filled in the same manner in*  
10 *which the original appointment was made, and any*  
11 *trustee appointed to fill a vacancy shall serve for the*  
12 *remainder of that term for which his or her prede-*  
13 *cessor was appointed.*

14 (3) *LIMITATIONS.—No appointed trustee may*  
15 *serve more than 8 years in consecutive terms.*

16 (d) *QUORUM.—A majority of trustees shall constitute*  
17 *a quorum of the Board for the conduct of business.*

18 (e) *ORGANIZATION AND COMPENSATION.—*

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

22 (2) *COMPENSATION OF TRUSTEES.—Trustees*  
23 *shall serve without pay, but may be reimbursed from*  
24 *the funds of the Trust for the actual and necessary*

1 *travel and subsistence expenses incurred by them in*  
2 *the performance of their duties.*

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

5 (f) *LIABILITY OF TRUSTEES.*—*Appointed trustees shall*  
6 *not be considered Federal employees by virtue of their mem-*  
7 *bership on the Board, except for purposes of the Federal*  
8 *Tort Claims Act, the Ethics in Government Act, and the*  
9 *provisions of chapter 11 of title 18, United States Code.*

10 (g) *MEETINGS.*—

11 (1) *LOCATION AND TIMING OF MEETINGS.*—*The*  
12 *Board shall meet in sessions open to the public at*  
13 *least three times per year in New Mexico. Upon a*  
14 *majority vote made in open session, and a public*  
15 *statement of the reasons therefore, the Board may*  
16 *close any other meetings to the public: Provided, That*  
17 *any final decision of the Board to adopt or amend the*  
18 *comprehensive management program under section*  
19 *108(d) or to approve any activity related to the man-*  
20 *agement of the land or resources of the Preserve shall*  
21 *be made in open public session.*

22 (2) *PUBLIC INFORMATION.*—*In addition to other*  
23 *requirements of applicable law, the Board shall estab-*  
24 *lish procedures for providing appropriate public in-*

1        *formation and periodic opportunities for public com-*  
2        *ment regarding the management of the Preserve.*

3        **SEC. 108. RESOURCE MANAGEMENT.**

4        *(a) ASSUMPTION OF MANAGEMENT.—The Trust shall*  
5        *assume all authority provided by this title to manage the*  
6        *Preserve upon a determination by the Secretary, which to*  
7        *the maximum extent practicable shall be made within 60*  
8        *days after the appointment of the Board, that—*

9                *(1) the Board is duly appointed, and able to con-*  
10                *duct business; and*

11                *(2) provision has been made for essential man-*  
12                *agement services.*

13        *(b) MANAGEMENT RESPONSIBILITIES.—Upon assump-*  
14        *tion of management of the Preserve under subsection (a),*  
15        *the Trust shall manage the land and resources of the Pre-*  
16        *serve and the use thereof including, but not limited to such*  
17        *activities as—*

18                *(1) administration of the operations of the Pre-*  
19                *serve;*

20                *(2) preservation and development of the land*  
21                *and resources of the Preserve;*

22                *(3) interpretation of the Preserve and its history*  
23                *for the public;*

24                *(4) management of public use and occupancy of*  
25                *the Preserve; and*

1           (5) *maintenance, rehabilitation, repair, and im-*  
2 *provement of property within the Preserve.*

3           (c) *AUTHORITIES.*—

4           (1) *IN GENERAL.*—*The Trust shall develop pro-*  
5 *grams and activities at the Preserve, and shall have*  
6 *the authority to negotiate directly and enter into such*  
7 *agreements, leases, contracts and other arrangements*  
8 *with any person, firm, association, organization, cor-*  
9 *poration or governmental entity, including without*  
10 *limitation, entities of Federal, State, and local gov-*  
11 *ernments, and consultation with Indian tribes and*  
12 *pueblos, as are necessary and appropriate to carry*  
13 *out its authorized activities or fulfill the purposes of*  
14 *this title. Any such agreements may be entered into*  
15 *without regard to section 321 of the Act of June 30,*  
16 *1932 (40 U.S.C. 303b).*

17           (2) *PROCEDURES.*—*The Trust shall establish*  
18 *procedures for entering into lease agreements and*  
19 *other agreements for the use and occupancy of facili-*  
20 *ties of the Preserve. The procedures shall ensure rea-*  
21 *sonable competition, and set guidelines for deter-*  
22 *mining reasonable fees, terms, and conditions for such*  
23 *agreements.*

24           (3) *LIMITATIONS.*—*The Trust may not dispose of*  
25 *any real property in, or convey any water rights ap-*

1        *purtenant to the Preserve. The Trust may not convey*  
2        *any easement, or enter into any contract, lease, or*  
3        *other agreement related to use and occupancy of prop-*  
4        *erty within the Preserve for a period greater than 10*  
5        *years. Any such easement, contract, lease, or other*  
6        *agreement shall provide that, upon termination of the*  
7        *Trust, such easement, contract, lease or agreement is*  
8        *terminated.*

9                (4) *APPLICATION OF PROCUREMENT LAWS.—*

10                (A) *IN GENERAL.—Notwithstanding any*  
11                *other provision of law, Federal laws and regula-*  
12                *tions governing procurement by Federal agencies*  
13                *shall not apply to the Trust, with the exception*  
14                *of laws and regulations related to Federal Gov-*  
15                *ernment contracts governing health and safety*  
16                *requirements, wage rates, and civil rights.*

17                (B) *PROCEDURES.—The Trust, in consulta-*  
18                *tion with the Administrator of Federal Procure-*  
19                *ment Policy, Office of Management and Budget,*  
20                *shall establish and adopt procedures applicable*  
21                *to the Trust's procurement of goods and services,*  
22                *including the award of contracts on the basis of*  
23                *contractor qualifications, price, commercially*  
24                *reasonable buying practices, and reasonable com-*  
25                *petition.*

1           (d) *MANAGEMENT PROGRAM.*—*Within two years after*  
2 *assumption of management responsibilities for the Preserve,*  
3 *the Trust shall, in accordance with subsection (f), develop*  
4 *a comprehensive program for the management of lands, re-*  
5 *sources, and facilities within the Preserve to carry out the*  
6 *purposes under section 105(b). To the extent consistent with*  
7 *such purposes, such program shall provide for—*

8                   (1) *operation of the Preserve as a working ranch,*  
9 *consistent with paragraphs (2) through (4);*

10                   (2) *the protection and preservation of the sci-*  
11 *entific, scenic, geologic, watershed, fish, wildlife, his-*  
12 *toric, cultural and recreational values of the Preserve;*

13                   (3) *multiple use and sustained yield of renewable*  
14 *resources within the Preserve;*

15                   (4) *public use of and access to the Preserve for*  
16 *recreation;*

17                   (5) *renewable resource utilization and manage-*  
18 *ment alternatives that, to the extent practicable—*

19                           (A) *benefit local communities and small*  
20 *businesses;*

21                           (B) *enhance coordination of management*  
22 *objectives with those on surrounding National*  
23 *Forest System land; and*

24                           (C) *provide cost savings to the Trust*  
25 *through the exchange of services, including but*

1           *not limited to labor and maintenance of facili-*  
2           *ties, for resources or services provided by the*  
3           *Trust; and*

4           (6) *optimizing the generation of income based on*  
5           *existing market conditions, to the extent that it does*  
6           *not unreasonably diminish the long-term scenic and*  
7           *natural values of the area, or the multiple use and*  
8           *sustained yield capability of the land.*

9           (e) *PUBLIC USE AND RECREATION.—*

10           (1) *IN GENERAL.—The Trust shall give thorough*  
11           *consideration to the provision of appropriate opportu-*  
12           *nities for public use and recreation that are consistent*  
13           *with the other purposes under section 105(b). The*  
14           *Trust is expressly authorized to construct and up-*  
15           *grade roads and bridges, and provide other facilities*  
16           *for activities including, but not limited to camping*  
17           *and picnicking, hiking, and cross country skiing.*  
18           *Roads, trails, bridges, and recreational facilities con-*  
19           *structed within the Preserve shall meet public safety*  
20           *standards applicable to units of the National Forest*  
21           *System and the State of New Mexico.*

22           (2) *FEES.—Notwithstanding any other provision*  
23           *of law, the Trust is authorized to assess reasonable*  
24           *fees for admission to, and the use and occupancy of,*  
25           *the Preserve: Provided, That admission fees and any*



1     *fees assessed for recreational activities shall be imple-*  
2     *mented only after public notice and a period of not*  
3     *less than 60 days for public comment.*

4           (3) *PUBLIC ACCESS.*—*Upon the acquisition of*  
5     *the Baca ranch under section 104(a), and after an in-*  
6     *terim planning period of no more than two years, the*  
7     *public shall have reasonable access to the Preserve for*  
8     *recreation purposes. The Secretary, prior to assump-*  
9     *tion of management of the Preserve by the Trust, and*  
10    *the Trust thereafter, may reasonably limit the number*  
11    *and types of recreational admissions to the Preserve,*  
12    *or any part thereof, based on the capability of the*  
13    *land, resources, and facilities. The use of reservation*  
14    *or lottery systems is expressly authorized to imple-*  
15    *ment this paragraph.*

16    (f) *APPLICABLE LAWS.*—

17           (1) *IN GENERAL.*—*The Trust, and the Secretary*  
18    *in accordance with section 109(b), shall administer*  
19    *the Preserve in conformity with this title and all laws*  
20    *pertaining to the National Forest System, except the*  
21    *Forest and Rangeland Renewable Resources Planning*  
22    *Act of 1974, as amended (16 U.S.C. 1600 et seq.).*

23           (2) *ENVIRONMENTAL LAWS.*—*The Trust shall be*  
24    *deemed a Federal agency for the purposes of compli-*  
25    *ance with Federal environmental laws.*

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

4           (4) *REPORTS ON APPLICABLE RULES AND REGU-*  
5 *LATIONS.*—*The Trust may submit to the Secretary*  
6 *and the Committees of Congress a compilation of ap-*  
7 *plicable rules and regulations which in the view of the*  
8 *Trust are inappropriate, incompatible with this title,*  
9 *or unduly burdensome.*

10          (5) *CONSULTATION WITH TRIBES AND PUEB-*  
11 *LOS.*—*The Trust is authorized and directed to cooper-*  
12 *ate and consult with Indian tribes and pueblos on*  
13 *management policies and practices for the Preserve*  
14 *which may affect them. The Trust is authorized to*  
15 *allow the use of lands within the Preserve for reli-*  
16 *gious and cultural uses by Native Americans and, in*  
17 *so doing, may set aside places and times of exclusive*  
18 *use consistent with the American Indian Religious*  
19 *Freedom Act (42 U.S.C. 1996 (note)) and other appli-*  
20 *cable statutes.*

21          (6) *NO ADMINISTRATIVE APPEAL.*—*The adminis-*  
22 *trative appeals regulations of the Secretary shall not*  
23 *apply to activities of the Trust and decisions of the*  
24 *Board.*

1           (g) *LAW ENFORCEMENT AND FIRE MANAGEMENT.*—  
 2 *The Secretary shall provide law enforcement services under*  
 3 *a cooperative agreement with the Trust to the extent gen-*  
 4 *erally authorized in other units of the National Forest Sys-*  
 5 *tem. The Trust shall be deemed a Federal agency for pur-*  
 6 *poses of the law enforcement authorities of the Secretary*  
 7 *(within the meaning of section 15008 of the National Forest*  
 8 *System Drug Control Act of 1986 (16 U.S.C. 559g)). At*  
 9 *the request of the Trust, the Secretary may provide fire*  
 10 *presuppression, fire suppression, and rehabilitation serv-*  
 11 *ices: Provided, That the Trust shall reimburse the Secretary*  
 12 *for salaries and expenses of fire management personnel,*  
 13 *commensurate with services provided.*

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

15           (a) *IN GENERAL.*—*Notwithstanding the assumption of*  
 16 *management of the Preserve by the Trust, the Secretary is*  
 17 *authorized to—*

18                   (1) *issue any rights-of-way, as defined in the*  
 19 *Federal Land Policy and Management Act of 1976, of*  
 20 *over 10 years duration, in cooperation with the Trust,*  
 21 *including, but not limited to, road and utility rights-*  
 22 *of-way, and communication sites;*

23                   (2) *issue orders under and enforce prohibitions*  
 24 *generally applicable on other units of the National*  
 25 *Forest System, in cooperation with the Trust;*

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

5           (4) *acquire the mineral rights referred to in sec-*  
6 *tion 104(e);*

7           (5) *provide law enforcement and fire manage-*  
8 *ment services under section 108(g);*

9           (6) *at the request of the Trust, exchange land or*  
10 *interests in land within the Preserve under laws gen-*  
11 *erally applicable to other units of the National Forest*  
12 *System, or otherwise dispose of land or interests in*  
13 *land within the Preserve under Public Law 97-465*  
14 *(16 U.S.C. 521c through 521i);*

15           (7) *in consultation with the Trust, refer civil*  
16 *and criminal cases pertaining to the Preserve to the*  
17 *Department of Justice for prosecution;*

18           (8) *retain title to and control over fossils and ar-*  
19 *chaeological artifacts found within the Preserve;*

20           (9) *at the request of the Trust, construct and op-*  
21 *erate a visitors' center in or near the Preserve, subject*  
22 *to the availability of appropriated funds;*

23           (10) *conduct the assessment of the Trust's per-*  
24 *formance, and, if the Secretary determines it nec-*

1        *essary, recommend to Congress the termination of the*  
2        *Trust, under section 110(b)(2); and*

3            *(11) conduct such other activities for which ex-*  
4        *press authorization is provided to the Secretary by*  
5        *this title.*

6        *(b) INTERIM MANAGEMENT.—*

7            *(1) IN GENERAL.—The Secretary shall manage*  
8        *the Preserve in accordance with this title during the*  
9        *interim period from the date of acquisition of the*  
10       *Baca ranch under section 104(a) to the date of as-*  
11       *sumption of management of the Preserve by the Trust*  
12       *under section 108. The Secretary may enter into any*  
13       *agreement, lease, contract, or other arrangement on*  
14       *the same basis as the Trust under section 108(c)(1):*  
15       *Provided, That any agreement, lease, contract, or*  
16       *other arrangement entered into by the Secretary shall*  
17       *not exceed two years in duration unless expressly ex-*  
18       *tended by the Trust upon its assumption of manage-*  
19       *ment of the Preserve.*

20           *(2) USE OF THE FUND.—All monies received by*  
21        *the Secretary from the management of the Preserve*  
22        *during the interim period under paragraph (1) shall*  
23        *be deposited into the “Valles Caldera Fund” estab-*  
24        *lished under section 106(h)(2), and such monies in*  
25        *the fund shall be available to the Secretary, without*

1        *further appropriation, for the purpose of managing*  
2        *the Preserve in accordance with the responsibilities*  
3        *and authorities provided to the Trust under section*  
4        *108.*

5        *(c) SECRETARIAL AUTHORITY.—The Secretary retains*  
6        *the authority to suspend any decision of the Board with*  
7        *respect to the management of the Preserve if he finds that*  
8        *the decision is clearly inconsistent with this title. Such au-*  
9        *thority shall only be exercised personally by the Secretary,*  
10       *and may not be delegated. Any exercise of this authority*  
11       *shall be in writing to the Board, and notification of the*  
12       *decision shall be given to the Committees of Congress. Any*  
13       *suspended decision shall be referred back to the Board for*  
14       *reconsideration.*

15       *(d) ACCESS.—The Secretary shall at all times have ac-*  
16       *cess to the Preserve for administrative purposes.*

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

18       *(a) IN GENERAL.—The Valles Caldera Trust shall ter-*  
19       *minate at the end of the twentieth full fiscal year following*  
20       *acquisition of the Baca ranch under section 104(a).*

21       *(b) RECOMMENDATIONS.—*

22                *(1) BOARD.—*

23                        *(A) If after the fourteenth full fiscal years*  
24                        *from the date of acquisition of the Baca ranch*  
25                        *under section 104(a), the Board believes the*

1           *Trust has met the goals and objectives of the*  
2           *comprehensive management program under sec-*  
3           *tion 108(d), but has not become financially self-*  
4           *sustaining, the Board may submit to the Com-*  
5           *mittees of Congress, a recommendation for au-*  
6           *thorization of appropriations beyond that pro-*  
7           *vided under this title.*

8                   *(B) During the eighteenth full fiscal year*  
9           *from the date of acquisition of the Baca ranch*  
10          *under section 104(a), the Board shall submit to*  
11          *the Secretary its recommendation that the Trust*  
12          *be either extended or terminated including the*  
13          *reasons for such recommendation.*

14                  *(2) SECRETARY.—Within 120 days after receipt*  
15          *of the recommendation of the Board under paragraph*  
16          *(1)(B), the Secretary shall submit to the Committees*  
17          *of Congress the Board's recommendation on extension*  
18          *or termination along with the recommendation of the*  
19          *Secretary with respect to the same and stating the*  
20          *reasons for such recommendation.*

21                  *(c) EFFECT OF TERMINATION.—In the event of termi-*  
22          *nation of the Trust, the Secretary shall assume all manage-*  
23          *ment and administrative functions over the Preserve, and*  
24          *it shall thereafter be managed as a part of the Santa Fe*

1 *National Forest, subject to all laws applicable to the Na-*  
2 *tional Forest System.*

3 (d) *ASSETS.*—*In the event of termination of the Trust,*  
4 *all assets of the Trust shall be used to satisfy any out-*  
5 *standing liabilities, and any funds remaining shall be*  
6 *transferred to the Secretary for use, without further appro-*  
7 *priation, for the management of the Preserve.*

8 (e) *VALLES CALDERA FUND.*—*In the event of termi-*  
9 *nation, the Secretary shall assume the powers of the Trust*  
10 *over funds under section 106(h), and the Valles Caldera*  
11 *Fund shall not terminate. Any balances remaining in the*  
12 *fund shall be available to the Secretary, without further ap-*  
13 *propriation, for any purpose consistent with the purposes*  
14 *of this title.*

15 **SEC. 111. LIMITATIONS ON FUNDING.**

16 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
17 *hereby authorized to be appropriated to the Secretary and*  
18 *the Trust such funds as are necessary for them to carry*  
19 *out the purposes of this title for each of the 15 full fiscal*  
20 *years after the date of acquisition of the Baca ranch under*  
21 *section 104(a).*

22 (b) *SCHEDULE OF APPROPRIATIONS.*—*Within two*  
23 *years after the first meeting of the Board, the Trust shall*  
24 *submit to Congress a plan which includes a schedule of an-*  
25 *nual decreasing appropriated funds that will achieve, at a*



1 *minimum, the financially self-sustained operation of the*  
 2 *Trust within 15 full fiscal years after the date of acquisition*  
 3 *of the Baca ranch under section 104(a).*

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

5       (a) *INITIAL STUDY.*—*Three years after the assumption*  
 6 *of management by the Trust, the General Accounting Office*  
 7 *shall conduct an interim study of the activities of the Trust*  
 8 *and shall report the results of the study to the Committees*  
 9 *of Congress. The study shall include, but shall not be limited*  
 10 *to, details of programs and activities operated by the Trust*  
 11 *and whether it met its obligations under this title.*

12       (b) *SECOND STUDY.*—*Seven years after the assump-*  
 13 *tion of management by the Trust, the General Accounting*  
 14 *Office shall conduct a study of the activities of the Trust*  
 15 *and shall report the results of the study to the Committees*  
 16 *of Congress. The study shall provide an assessment of any*  
 17 *failure to meet obligations that may be identified under sub-*  
 18 *section (a), and further evaluation on the ability of the*  
 19 *Trust to meet its obligations under this title.*

20                   **TITLE II—FEDERAL LAND**  
 21                   **TRANSACTION FACILITATION**

22 **SEC. 201. SHORT TITLE.**

23       *This title may be cited as the “Federal Land Trans-*  
 24 *action Facilitation Act”.*

1 **SEC. 202. FINDINGS.**

2 *Congress finds that—*

3 *(1) the Bureau of Land Management has author-*  
4 *ity under the Federal Land Policy and Management*  
5 *Act of 1976 (43 U.S.C. 1701 et seq.) to sell land iden-*  
6 *tified for disposal under its land use planning;*

7 *(2) the Bureau of Land Management has author-*  
8 *ity under that Act to exchange Federal land for non-*  
9 *Federal land if the exchange would be in the public*  
10 *interest;*

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

14 *(4) the Federal land management agencies of the*  
15 *Departments of the Interior and Agriculture have au-*  
16 *thority under existing law to acquire land consistent*  
17 *with the mission of each agency;*

18 *(5) the sale or exchange of land identified for*  
19 *disposal and the acquisition of certain non-Federal*  
20 *land from willing landowners would—*

21 *(A) allow for the reconfiguration of land*  
22 *ownership patterns to better facilitate resource*  
23 *management;*

24 *(B) contribute to administrative efficiency*  
25 *within Federal land management units; and*

1           (C) allow for increased effectiveness of the  
2           allocation of fiscal and human resources within  
3           the Federal land management agencies;

4           (6) a more expeditious process for disposal and  
5           acquisition of land, established to facilitate a more ef-  
6           fective configuration of land ownership patterns,  
7           would benefit the public interest;

8           (7) many private individuals own land within  
9           the boundaries of Federal land management units  
10          and desire to sell the land to the Federal Government;

11          (8) such land lies within national parks, na-  
12          tional monuments, national wildlife refuges, national  
13          forests, and other areas designated for special man-  
14          agement;

15          (9) Federal land management agencies are fac-  
16          ing increased workloads from rapidly growing public  
17          demand for the use of public land, making it difficult  
18          for Federal managers to address problems created by  
19          the existence of inholdings in many areas;

20          (10) in many cases, inholders and the Federal  
21          Government would mutually benefit from Federal ac-  
22          quisition of the land on a priority basis;

23          (11) proceeds generated from the disposal of pub-  
24          lic land may be properly dedicated to the acquisition  
25          of inholdings and other land that will improve the re-

1 *source management ability of the Federal land man-*  
2 *agement agencies and adjoining landowners;*

3 *(12) using proceeds generated from the disposal*  
4 *of public land to purchase inholdings and other such*  
5 *land from willing sellers would enhance the ability of*  
6 *the Federal land management agencies to—*

7 *(A) work cooperatively with private land-*  
8 *owners and State and local governments; and*

9 *(B) promote consolidation of the ownership*  
10 *of public and private land in a manner that*  
11 *would allow for better overall resource manage-*  
12 *ment;*

13 *(13) in certain locations, the sale of public land*  
14 *that has been identified for disposal is the best way*  
15 *for the public to receive fair market value for the*  
16 *land; and*

17 *(14) to allow for the least disruption of existing*  
18 *land and resource management programs, the Bureau*  
19 *of Land Management may use non-Federal entities to*  
20 *prepare appraisal documents for agency review and*  
21 *approval consistent with applicable provisions of the*  
22 *Uniform Standards for Federal Land Acquisition.*

23 **SEC. 203. DEFINITIONS.**

24 *In this title:*

1           (1) *EXCEPTIONAL RESOURCE.*—*The term “excep-*  
2           *tional resource” means a resource of scientific, nat-*  
3           *ural, historic, cultural, or recreational value that has*  
4           *been documented by a Federal, State, or local govern-*  
5           *mental authority, and for which there is a compelling*  
6           *need for conservation and protection under the juris-*  
7           *isdiction of a Federal agency in order to maintain the*  
8           *resource for the benefit of the public.*

9           (2) *FEDERALLY DESIGNATED AREA.*—*The term*  
10          *“federally designated area” means land in Alaska*  
11          *and the eleven contiguous Western States (as defined*  
12          *in section 103(o) of the Federal Land Policy and*  
13          *Management Act of 1976 (43 U.S.C. 1702(o))) that on*  
14          *the date of enactment of this Act was within the*  
15          *boundary of—*

16                 (A) *a national monument, area of critical*  
17                 *environmental concern, national conservation*  
18                 *area, national riparian conservation area, na-*  
19                 *tional recreation area, national scenic area, re-*  
20                 *search natural area, national outstanding nat-*  
21                 *ural area, or a national natural landmark man-*  
22                 *aged by the Bureau of Land Management;*

23                 (B) *a unit of the National Park System;*

24                 (C) *a unit of the National Wildlife Refuge*  
25                 *System;*

1           (D) an area of the National Forest System  
2           designated for special management by an Act of  
3           Congress; or

4           (E) an area within which the Secretary or  
5           the Secretary of Agriculture is otherwise author-  
6           ized by law to acquire lands or interests therein  
7           that is designated as—

8                   (i) wilderness under the Wilderness Act  
9                   (16 U.S.C. 1131 et seq.);

10                   (ii) a wilderness study area;

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

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

17           (3) *INHOLDING.*—The term “inholding” means  
18           any right, title, or interest, held by a non-Federal en-  
19           tity, in or to a tract of land that lies within the  
20           boundary of a federally designated area.

21           (4) *PUBLIC LAND.*—The term “public land”  
22           means public lands (as defined in section 103 of the  
23           Federal Land Policy and Management Act of 1976  
24           (43 U.S.C. 1702)).

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

3 **SEC. 204. IDENTIFICATION OF INHOLDINGS.**

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

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

9           (2) *prioritize the acquisition of inholdings in ac-*  
10 *cordance with section 206(c)(3).*

11          (b) *PUBLIC NOTICE.*—*As soon as practicable after the*  
12 *date of enactment of this title and periodically thereafter,*  
13 *the Secretary and the Secretary of Agriculture shall provide*  
14 *public notice of the procedures referred to in subsection (a),*  
15 *including any information necessary for the consideration*  
16 *of an inholding under section 206. Such notice shall include*  
17 *publication in the Federal Register and by such other*  
18 *means as the Secretary and the Secretary of Agriculture*  
19 *determine to be appropriate.*

20          (c) *IDENTIFICATION.*—*An inholding—*

21           (1) *shall be considered for identification under*  
22 *this section only if the Secretary or the Secretary of*  
23 *Agriculture receive notification of a desire to sell from*  
24 *the landowner in response to public notice given*  
25 *under subsection (b); and*

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

3           (A) the earlier of—

4                   (i) the date on which the land was  
5                   withdrawn from the public domain; or

6                   (ii) the date on which the land was es-  
7                   tablished or designated for special manage-  
8                   ment; or

9           (B) the date on which the inholding was ac-  
10       quired by the current owner.

11       (d) *NO OBLIGATION TO CONVEY OR ACQUIRE.*—The  
12       identification of an inholding under this section creates no  
13       obligation on the part of a landowner to convey the  
14       inholding or any obligation on the part of the United States  
15       to acquire the inholding.

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

17       (a) *IN GENERAL.*—The Secretary shall establish a pro-  
18       gram, using funds made available under section 206, to  
19       complete appraisals and satisfy other legal requirements for  
20       the sale or exchange of public land identified for disposal  
21       under approved land use plans (as in effect on the date of  
22       enactment of this Act) under section 202 of the Federal  
23       Land Policy and Management Act of 1976 (43 U.S.C.  
24       1712).

25       (b) *SALE OF PUBLIC LAND.*—



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

5           (2) *EXCEPTIONS TO COMPETITIVE BIDDING RE-*  
6           *QUIREMENTS.*—*The exceptions to competitive bidding*  
7           *requirements under section 203(f) of the Federal Land*  
8           *Policy and Management Act of 1976 (43 U.S.C.*  
9           *1713(f)) shall apply to this section in cases in which*  
10          *the Secretary determines it to be necessary.*

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

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

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

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

1           (b) *AVAILABILITY.*—Amounts in the Federal Land Dis-  
2   posal Account shall be available to the Secretary and the  
3   Secretary of Agriculture, without further Act of appropria-  
4   tion, to carry out this title.

5           (c) *USE OF THE FEDERAL LAND DISPOSAL AC-*  
6   *COUNT.*—

7           (1) *IN GENERAL.*—Funds in the Federal Land  
8   Disposal Account shall be expended in accordance  
9   with this subsection.

10          (2) *FUND ALLOCATION.*—

11           (A) *PURCHASE OF LAND.*—Except as au-  
12   thorized under subparagraph (C), funds shall be  
13   used to purchase lands or interests therein that  
14   are otherwise authorized by law to be acquired,  
15   and that are—

16                   (i) *inholdings; and*

17                   (ii) *adjacent to federally designated*  
18   *areas and contain exceptional resources.*

19           (B) *INHOLDINGS.*—Not less than 80 percent  
20   of the funds allocated for the purchase of land  
21   within each State shall be used to acquire  
22   inholdings identified under section 204.

23           (C) *ADMINISTRATIVE AND OTHER EX-*  
24   *PENSES.*—An amount not to exceed 20 percent of  
25   the funds deposited in the Federal Land Disposal

1           *Account may be used by the Secretary for ad-*  
2           *ministrative and other expenses necessary to*  
3           *carry out the land disposal program under sec-*  
4           *tion 205.*

5           (D) *SAME STATE PURCHASES.*—*Of the*  
6           *amounts not used under subparagraph (C), not*  
7           *less than 80 percent shall be expended within the*  
8           *State in which the funds were generated. Any re-*  
9           *maining funds may be expended in any other*  
10          *State.*

11          (3) *PRIORITY.*—*The Secretary and the Secretary*  
12          *of Agriculture shall develop a procedure for*  
13          *prioritizing the acquisition of inholdings and non-*  
14          *Federal lands with exceptional resources as provided*  
15          *in paragraph (2). Such procedure shall consider—*

16                (A) *the date the inholding was established*  
17                *(as provided in section 204(c));*

18                (B) *the extent to which acquisition of the*  
19                *land or interest therein will facilitate manage-*  
20                *ment efficiency; and*

21                (C) *such other criteria as the Secretary and*  
22                *the Secretary of Agriculture deem appropriate.*

23          (4) *BASIS OF SALE.*—*Any land acquired under*  
24          *this section shall be—*

25                (A) *from a willing seller;*

1           (B) contingent on the conveyance of title ac-  
2           ceptable to the Secretary, or the Secretary of Ag-  
3           riculture in the case of an acquisition of Na-  
4           tional Forest System land, using title standards  
5           of the Attorney General;

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

10           (D) managed as part of the unit within  
11           which it is contained.

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

17           (1) contains a hazardous substances or is other-  
18           wise contaminated; or

19           (2) because of the location or other characteris-  
20           tics of the land, would be difficult or uneconomic to  
21           manage as Federal land.

22           (e) LAND AND WATER CONSERVATION FUND ACT.—  
23           Funds made available under this section shall be supple-  
24           mental to any funds appropriated under the Land and  
25           Water Conservation Fund Act (16 U.S.C. 460l–4 et seq.).

1           (f) *TERMINATION.*—*On termination of activities under*  
2 *section 205—*

3                 (1) *the Federal Land Disposal Account shall be*  
4 *terminated; and*

5                 (2) *any remaining balance in the account shall*  
6 *become available for appropriation under section 3 of*  
7 *the Land and Water Conservation Fund Act (16*  
8 *U.S.C. 460l–6).*

9 **SEC. 207. SPECIAL PROVISIONS.**

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

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

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

18                 (2) *the Southern Nevada Public Land Manage-*  
19 *ment Act of 1998 (112 Stat. 2343).*

20           (c) *EXCHANGES.*—*Nothing in this title precludes, pre-*  
21 *empts, or limits the authority to exchange land under au-*  
22 *thorities providing for the exchange of Federal lands, in-*  
23 *cluding but not limited to—*

24                 (1) *the Federal Land Policy and Management*  
25 *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 by*  
3           *that Act.*

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