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109TH CONGRESS
1ST SESSION

S. 212

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2005
Referred to the Committee on Resources

AN ACT

To amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Valles Caldera Preservation Act of 2005''.

SEC. 2. AMENDMENTS TO THE VALLES CALDERA PRESERVATION ACT.

(a) ACQUISITION OF OUTSTANDING MINERAL INTERESTS.—Section 104(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v–2(e)) is amended—

(1) by striking ''The acquisition'' and inserting the following:

''(1) IN GENERAL.—The acquisition'';

(2) by striking ''The Secretary'' and inserting the following:

''(2) ACQUISITION.—The Secretary'';

(3) by striking ''on a willing seller basis'';

(4) by striking ''Any such'' and inserting the following:

''(3) ADMINISTRATION.—Any such''; and

(5) by adding at the end the following:

''(4) AVAILABLE FUNDS.—Any such interests shall be acquired with available funds.

''(5) DECLARATION OF TAKING.—

''(A) IN GENERAL.—If negotiations to acquire the interests are unsuccessful by the date that is 60 days after the date of enactment of this paragraph, the Secretary shall acquire the interests pursuant to section 3114 of title 40, United States Code.

"(B) SOURCE OF FUNDS.—Any difference between the sum of money estimated to be just compensation by the Secretary and the amount awarded shall be paid from the permanent judgment appropriation under section 1304 of title 31, United States Code.".

(b) OBLIGATIONS AND EXPENDITURES.—Section 106(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(e)) is amended by adding at the end the following:

"(4) OBLIGATIONS AND EXPENDITURES.—Subject to the laws applicable to Government corporations, the Trust shall determine—

"(A) the character of, and the necessity for, any obligations and expenditures of the Trust; and

"(B) the manner in which obligations and expenditures shall be incurred, allowed, and paid.".

(c) SOLICITATION OF DONATIONS.—Section 106(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(g)) is amended by striking "The Trust may solicit" and inserting "The members of the Board of Trustees, the executive director, and 1 additional employee of the Trust in an executive position designated by the Board of Trustees or the executive director may solicit".

(d) USE OF PROCEEDS.—Section 106(h)(1) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(h)(1)) is amended by striking ''subsection (g)'' and inserting ''subsection (g), from claims, judgments, or settlements arising from activities occurring on the Baca Ranch or the Preserve after October 27, 1999,''.

SEC. 3. BOARD OF TRUSTEES.

Section 107(e) of the Valles Caldera Preservation Act (U.S.C. 698v–5(e)) is amended—

(1) in paragraph (2), by striking ''Trustees'' and inserting ''Except as provided in paragraph (3), trustees''; and

(2) in paragraph (3)—

(A) by striking ''Trustees'' and inserting the following:

''(A) SELECTION.—Trustees''; and

(B) by adding at the end the following:

''(B) COMPENSATION.—On request of the chair, the chair may be compensated at a rate determined by the Board of Trustees, but not to exceed the daily equivalent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) in

which the chair is engaged in the performance of duties of the Board of Trustees.

"(C) MAXIMUM RATE OF PAY.—The total amount of compensation paid to the chair for a fiscal year under subparagraph (B) shall not exceed 25 percent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

SEC. 4. RESOURCE MANAGEMENT.

(a) PROPERTY DISPOSAL LIMITATIONS.—Section 108(c)(3) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(c)(3)) is amended—

(1) in the first sentence, by striking "The Trust may not dispose" and inserting the following:

"(A) IN GENERAL.—The Trust may not dispose";

(2) in the second sentence, by striking "The Trust" and inserting the following:

"(B) MAXIMUM DURATION.—The Trust";

(3) in the last sentence, by striking "Any such" and inserting the following:

"(C) TERMINATION.—The"; and

(4) by adding at the end the following:

"(D) EXCLUSIONS.—For the purposes of this paragraph, the disposal of real property

does not include the sale or other disposal of forage, forest products, or marketable renewable resources.''.

(b) LAW ENFORCEMENT AND FIRE MANAGEMENT.—Section 108(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(g)) is amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) LAW ENFORCEMENT.—

''(A) IN GENERAL.—The Secretary'';

(2) in the second sentence, by striking ''The Trust'' and inserting the following:

''(B) FEDERAL AGENCY.—The Trust''; and

(3) by striking ''At the request of the Trust'' and all that follows through the end of the paragraph and inserting the following:

''(2) FIRE MANAGEMENT.—

''(A) NON-REIMBURSABLE SERVICES.—

''(i) DEVELOPMENT OF PLAN.—The Secretary shall, in consultation with the Trust, develop a plan to carry out fire preparedness, suppression, and emergency rehabilitation services on the Preserve.

''(ii) CONSISTENCY WITH MANAGEMENT PROGRAM.—The plan shall be con-

sistent with the management program developed pursuant to subsection (d).

"(iii) COOPERATIVE AGREEMENT.—To the extent generally authorized at other units of the National Forest System, the Secretary shall provide the services to be carried out pursuant to the plan under a cooperative agreement entered into between the Secretary and the Trust.

"(B) REIMBURSABLE SERVICES.—To the extent generally authorized at other units of the National Forest System, the Secretary may provide presuppression and nonemergency rehabilitation and restoration services for the Trust at any time on a reimbursable basis.".

Passed the Senate July 26, 2005.

Attest: EMILY J. REYNOLDS,
Secretary.