

105TH CONGRESS
2D SESSION

H. R. 4816

To authorize the acquisition of the Valles Caldera currently managed by the Baca Land and Cattle Company, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture through the private sector, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 1998

Mr. REDMOND (for himself and Mrs. WILSON) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To authorize the acquisition of the Valles Caldera currently managed by the Baca Land and Cattle Company, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture through the private sector, 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, owned and managed by the
10 Baca Land and Cattle Company, comprises most of
11 the Valles Caldera in central New Mexico, and con-
12 stitutes a unique land mass, with significant sci-
13 entific, cultural, historic, recreational, ecological,
14 wildlife, fisheries, and productive values;

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

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

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

1 (5) the careful husbandry of the Baca ranch by
2 the Dunigan family, the current owners, including
3 selective timbering, limited grazing and hunting, and
4 the use of prescribed fire, have preserved a mix of
5 healthy range and timber land with significant spe-
6 cies diversity, thereby serving as a model for sustain-
7 able land development and use;

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

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

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

1 (9) the current owners have indicated that they
2 wish to sell the Baca ranch, creating an opportunity
3 for federal acquisition and public access and enjoy-
4 ment of these lands;

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

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

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

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

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

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

4 (2) to protect and preserve for future genera-
5 tions the scenic and natural values of the Baca
6 ranch, associated rivers and ecosystems, and archae-
7 ological and cultural 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 section
24 104(a).

1 (2) BOARD OF TRUSTEES.—The terms “Board
2 of Trustees” and “Board” mean the Board of
3 Trustees as described 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 United States
7 Senate and the Committee on Resources of the
8 House of Representatives.

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) PRESERVE.—The term “Preserve” means
23 the Valles Caldera National Preserve established
24 under section 105.

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

4 (7) TRUST.—The term “Trust” means the
5 Valles Caldera Trust established under section
6 106(a).

7 **SEC. 104. ACQUISITION OF LANDS.**

8 (a) ACQUISITION OF BACA RANCH.—

9 (1) IN GENERAL.—In accordance with the Act
10 of June 15, 1926 (16 U.S.C. 471a), the Secretary
11 is authorized to acquire all or part of the rights, title
12 and interests in and to approximately 94,812 acres
13 of the Baca ranch, comprising the lands, facilities,
14 and structures referred to as the Baca Location No.
15 1, and generally depicted on a plat entitled “Inde-
16 pendent Resurvey of the Baca Location No. 1”,
17 made by L.A. Osterhoudt, W.V. Hall and Charles
18 W. Devendorf, U.S. Cadastral Engineers, June 30,
19 1920–August 24, 1921, under special instructions
20 for Group No. 107 dated February 12, 1920, in
21 New Mexico.

22 (2) SOURCE OF FUNDS.—The acquisition pur-
23 suant to paragraph (1) may be made by purchase
24 through appropriated or donated funds, by ex-
25 change, by contribution, or by donation of land.

1 Funds appropriated to the Secretary and the Sec-
2 retary of the Interior from the Land and Water
3 Conservation Fund shall be available for this pur-
4 pose.

5 (3) BASIS OF SALE.—The acquisition pursuant
6 to paragraph (1) shall be based on appraisal done in
7 conformity with the Uniform Appraisal Standards
8 for Federal Land Acquisitions and—

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

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

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

22 (b) ADDITION OF LAND TO BANDELIER NATIONAL
23 MONUMENT.—

24 (1) IN GENERAL.—Upon acquisition of the
25 Baca ranch pursuant to subsection (a), the Sec-

1 retary of the Interior shall assume administrative ju-
2 risdiction over the approximately 845 acres of the
3 land acquired within the Upper Alamo watershed as
4 depicted on the Forest Service map entitled “Pro-
5 posed Boundary Expansion Map Bandelier National
6 Monument” dated October, 1998.

7 (2) MANAGEMENT.—Upon assumption of ad-
8 ministrative jurisdiction pursuant to paragraph (1),
9 the Secretary of the Interior shall manage the added
10 land as a part of Bandelier National Monument, the
11 boundaries of which are hereby adjusted to encom-
12 pass such addition. The Secretary of the Interior is
13 authorized to utilize funds appropriated for the Na-
14 tional Park Service to acquire, on a willing seller
15 basis, the Elk Meadows subdivision within such
16 boundary adjustment.

17 (c) PLAT AND MAPS.—

18 (1) PLAT AND MAPS PREVAIL.—In case of any
19 conflict between the plat referred to in subsection
20 (a)(1) and the map referred to in subsection (b)(1)
21 and the acreages provided in such subsections, the
22 plat or map shall prevail.

23 (2) MINOR CORRECTIONS.—The Secretary and
24 the Secretary of the Interior may make minor cor-
25 rections in the boundaries of the Upper Alamo wa-

1 tershed as depicted on the map referred to in sub-
2 section (b)(1).

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

7 (4) FINAL MAPS.—Within 180 days of the date
8 of acquisition of the Baca ranch pursuant to sub-
9 section (a), the Secretary and the Secretary of the
10 Interior shall prepare and submit to the Committees
11 of Congress a final map to the Valles Caldera Na-
12 tional Preserve and a final map of Bandelier Na-
13 tional Monument, respectively.

14 (5) PUBLIC AVAILABILITY.—The plat and maps
15 referred to in the subsection shall be kept and made
16 available for public inspection in the offices of the
17 Chief, Forest Service, and Director, National Park
18 Service in Washington, D.C., and Supervisor, Santa
19 Fe National Forest, and Superintendent, Bandelier
20 National Monument, the State of New Mexico.

21 (d) WATERSHED MANAGEMENT STUDY.—The Sec-
22 retary, acting through the Forest Service, in cooperation
23 with the Secretary of the Interior, acting through the Na-
24 tional Park Service, shall—

1 (1) develop a study of management alternatives
2 which may—

3 (A) provide more coordinated land man-
4 agement within the area known as the Lower
5 Alamo watershed;

6 (B) allow for improved management of elk
7 and other wildlife populations ranging between
8 the Santa Fe National Forest and the Ban-
9 delier National Monument; and

10 (C) include a proposed boundary adjust-
11 ment between the Santa Fe National Forest
12 and the Bandelier National Monument to facili-
13 tate the objectives under subparagraphs (A)
14 and (B); and

15 (2) submit the study to the Committees of Con-
16 gress within 120 days of the boundary adjustment
17 pursuant to subsection (b)(2).

18 (e) OUTSTANDING MINERAL INTERESTS.—The ac-
19 quisition of the Baca ranch by the Secretary shall be sub-
20 ject to all outstanding valid existing mineral interests. The
21 Secretary is authorized and directed to negotiate with the
22 owners of any fractional interest in the subsurface estate
23 for the acquisition of such fractional interest on a willing
24 seller basis for their appraised fair market value. Any such
25 interests acquired within the boundaries of the Upper

1 Alamo watershed, as referred to in subsection (b)(1), shall
2 be administered by the Secretary of the Interior as part
3 of Bandelier National Monument.

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

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

10 (a) ESTABLISHMENT.—Upon the date of acquisition
11 of the Baca ranch pursuant to section 104(a), there is
12 hereby established the Valles Caldera National Preserve
13 as a unit of the National Forest System which shall in-
14 clude all Federal lands and interest in land acquired pur-
15 suant to subsection 104(a), except those lands and inter-
16 ests in land administered by the Secretary of the Interior
17 pursuant to section 104(b)(1), and shall be managed in
18 accordance with the purposes and requirements of this
19 title.

20 (b) PURPOSES.—The purposes for which the Preserve
21 is established are to protect and preserve the scenic, geo-
22 logic, watershed, fish, wildlife, historic, cultural, and rec-
23 reational values of the Preserve, and to provide for mul-
24 tiple use and sustained yield of renewable resources within
25 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 pursuant
7 to section 104(a) shall constitute entitlement lands for
8 purposes of the Payment in Lieu of Taxes Act (31 U.S.C.
9 6901–6904).

10 (e) WITHDRAWALS.—

11 (1) IN GENERAL.—Upon acquisition of all inter-
12 ests in minerals within the boundaries of the Baca
13 ranch pursuant to section 104(e), subject to valid
14 existing rights, the lands comprising the Preserve
15 shall be withdrawn from disposition under all laws
16 pertaining 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 authority by the
21 Trust, and the Trust thereafter, from allowing the
22 utilization of common varieties of mineral materials
23 such as sand, stone and gravel as necessary for con-
24 struction and maintenance of roads and facilities
25 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 Pre-
5 serve, except that the Trust may, in consultation with the
6 Secretary and the State of New Mexico, designate zones
7 where, and establish periods when no hunting, fishing or
8 trapping shall be permitted for reasons of public safety,
9 administration, the protection of nongame species and
10 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 FOREST SERVICE EMPLOYEES
7 UPON ESTABLISHMENT OF THE TRUST.—For
8 the two year period from the date of the estab-
9 lishment of the Trust, and upon the request of
10 the Trust, the Secretary may provide, on a non-
11 reimbursable basis, Forest Service personnel
12 and technical expertise as necessary or desirable
13 to assist in the implementation of this title.
14 Thereafter, Forest Service employees may be
15 provided to the Trust as provided in paragraph
16 (C).

17 (C) USE OF OTHER FEDERAL EMPLOY-
18 EES.—At the request of the Trust, the employ-
19 ees of any Federal agency may be provided for
20 implementation of this title. Such employees de-
21 tailed to the trust for more than 30 days shall
22 be provided on a reimbursable basis.

23 (e) GOVERNMENT CORPORATION.—

24 (1) IN GENERAL.—The Trust shall be a Gov-
25 ernment Corporation subject to chapter 91 of title

1 31, United States Code (commonly referred to as
2 the Government Corporation Control Act). Financial
3 statements of the Trust shall be audited annually in
4 accordance with section 9105 of title 31 of the
5 United States Code.

6 (2) REPORTS.—The Trust shall submit, but not
7 later than January 15 of each year, to the Secretary
8 and the Committees of Congress a comprehensive
9 and detailed report of its operations, activities, and
10 accomplishments for the prior year. The report shall
11 also include a section that describes the Trust’s
12 goals for the current year.

13 (f) TAXES.—The Trust and all properties adminis-
14 tered by the Trust shall be exempt from all taxes and spe-
15 cial assessments of every kind by the State of New Mexico,
16 and its political subdivisions including the Counties of
17 Sandoval and Rio Arriba.

18 (g) DONATIONS.—The Trust may solicit and accept
19 donations of funds, property, supplies, or services from in-
20 dividuals, foundations, corporations and other private or
21 public entities for the purposes of carrying out its duties.
22 The Secretary, prior to assumption of management au-
23 thority by the Trust, and the Trust thereafter, may accept
24 donations from such entities notwithstanding that such
25 donors may conduct business with the Department of Ag-

1 riculture or any other Department or agency of the United
2 States.

3 (h) PROCEEDS.—

4 (1) IN GENERAL.—Notwithstanding section
5 1341 of title 31 of the United States Code, all mon-
6 ies received by the Trust shall be retained by the
7 Trust, and such monies shall be available, without
8 further appropriation, for the administration, preser-
9 vation, restoration, operation and maintenance, im-
10 provement, repair and related expenses incurred
11 with respect to properties under its management ju-
12 risdiction.

13 (2) FUND.—There is hereby established in the
14 Treasury of the United States a special interest
15 bearing fund entitled “Valles Caldera Fund” which
16 shall be available, without further appropriation, to
17 the Trust for any purpose consistent with the pur-
18 poses of this title. At the option of the Trust, the
19 Secretary of the Treasury shall invest excess monies
20 of the Trust in such account, which shall bear inter-
21 est at rates determined by the Secretary of the
22 Treasury taking into consideration the current aver-
23 age market yield on outstanding marketable obliga-
24 tions of the United States of comparable maturity.

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

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

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

18 **SEC. 107. BOARD OF TRUSTEES.**

19 (a) IN GENERAL.—The Trust shall be governed by
20 a 7 member Board of Trustees consisting of the following:

21 (1) VOTING TRUSTEES.—The voting trustees
22 shall be—

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

1 (B) the Superintendent of the Bandelier
2 National Monument, National Park Service;
3 and

4 (C) 7 individuals, appointed by the Presi-
5 dent, in consultation with the Congressional
6 delegation from the State of New Mexico. The
7 7 individuals shall have specific expertise or
8 represent an organization or government entity
9 as follows—

10 (i) one trustee shall have expertise in
11 all aspects of domesticated livestock man-
12 agement, production and marketing, in-
13 cluding range management and livestock
14 business management;

15 (ii) one trustee shall have expertise in
16 the management of game and non-game
17 wildlife and fish populations, including
18 hunting, fishing and other recreational ac-
19 tivities;

20 (iii) one trustee shall have expertise in
21 the sustainable management of forest
22 lands for commodity and non-commodity
23 purposes;

24 (iv) one trustee shall be active in a
25 non-profit conservation organization con-

1 cerned with the activities of the Forest
2 Service;

3 (v) one trustee shall have expertise in
4 financial management, budgeting and pro-
5 gramming;

6 (vi) one trustee shall have expertise in
7 the cultural and natural history of the re-
8 gion; and

9 (vii) one trustee shall be active in
10 State or local government in New Mexico,
11 with expertise in the customs of the local
12 area.

13 (2) QUALIFICATIONS.—Of the trustees ap-
14 pointed by the Preesident—

15 (A) none shall be employees of the Federal
16 Government; and

17 (B) at least five shall be residents of the
18 State of New Mexico.

19 (b) INITIAL APPOINTMENTS.—The President shall
20 make the initial appointments to the Board of Trustees
21 within 90 days after acquisition of the Baca ranch pursu-
22 ant to section 104(a).

23 (c) TERMS.—

24 (1) IN GENERAL.—Appointed trustees shall
25 each serve a term of 4 years, except that the trust-

1 ees first appointed, 4 shall serve a term of 4 years,
2 and 3 shall serve for a term of 2 years.

3 (2) VACANCIES.—Any vacancy among the ap-
4 pointed trustees shall be filled in the same manner
5 in which the original appointment was made, and
6 any trustee appointed to fill a vacancy shall serve for
7 the remainder of that term for which his or her
8 predecessor was appointed.

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

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

13 (e) ORGANIZATION AND COMPENSATION.—

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

17 (2) COMPENSATION OF TRUSTEES.—Trustees
18 shall serve without pay, but may be reimbursed from
19 the funds of the Trust for the actual and necessary
20 travel and subsistence expenses incurred by them in
21 the performance of their duties.

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

24 (f) LIABILITY OF TRUSTEES.—Appointed trustees
25 shall not be considered Federal employees by virtue of

1 their membership on the Board, except for purposes of
2 the Federal Tort Claims Act, the Ethics in Government
3 Act, and the provisions of Chapter 11 of title 18, United
4 States Code.

5 (g) MEETINGS.—

6 (1) LOCATION AND TIMING OF MEETINGS.—

7 The Board shall meet in sessions open to the public
8 at least three times per year in New Mexico. Upon
9 a majority vote made in open session, and a public
10 statement of the reasons therefore, the Board may
11 close any other meetings to the public: *Provided*,
12 That any final decision of the Board to adopt or
13 amend the comprehensive management program
14 pursuant to section 108(d) or to approve any activ-
15 ity related to the management of the land or re-
16 sources of the Preserve shall be made in open public
17 session.

18 (2) PUBLIC INFORMATION.—In addition to
19 other requirements of applicable law, the Board shall
20 establish procedures for providing appropriate public
21 information and opportunities for public comment
22 regarding the management of the Preserve.

23 **SEC. 108. RESOURCE MANAGEMENT.**

24 (a) ASSUMPTION OF MANAGEMENT.—The Trust
25 shall assume all authority provided by this title to manage

1 the Preserve upon a determination by the Secretary, which
2 to the maximum extent practicable shall be made within
3 60 days after the appointment of the Board, that—

4 (1) the Board is duly appointed, and able to
5 conduct business; and

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

8 (b) MANAGEMENT RESPONSIBILITIES—Upon as-
9 sumption of management of the Preserve pursuant to sub-
10 section (a), the Trust shall manage the land and resources
11 of the Preserve and the use thereof including, but not lim-
12 ited to such activities as—

13 (1) administration of the operations of the Pre-
14 serve;

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

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

19 (4) management of public use and occupancy of
20 the Preserve; and

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

23 (c) AUTHORITIES.—

24 (1) IN GENERAL.—The Trust shall develop pro-
25 grams and activities at the Preserve, and shall have

1 the authority to negotiate directly and enter into
2 such agreements, leases, contracts and other ar-
3 rangements with any person, firm, association, orga-
4 nization, corporation or governmental entity, includ-
5 ing without limitation, entities of Federal, State and
6 local governments, and consultation with Indian
7 tribes and pueblos, as are necessary and appropriate
8 to carry out its authorized activities or fulfill the
9 purposes of this title. Any such agreements may be
10 entered into without regard to section 321 of the Act
11 of June 30, 1932 (40 U.S.C. 303b).

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

19 (3) LIMITATIONS.—The Trust may not dispose
20 of to any real property in, or convey any water
21 rights appurtenant to the Preserve. The Trust may
22 not convey any easement, or enter into any contract,
23 lease or other agreement related to use and occu-
24 pancy of property within the Preserve for a period
25 greater than 10 years. Any such easement, contract,

1 lease or other agreement shall provide that, upon
2 termination of the Trust, such easement, contract,
3 lease or agreement is terminated.

4 (4) APPLICATION OF PROCUREMENT LAWS.—

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

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

22 (d) MANAGEMENT PROGRAM.—Within two years
23 after assumption of management responsibilities for the
24 Preserve, the Trust shall develop a comprehensive pro-

1 gram for the management of lands, resources, and facili-
2 ties within the Preserve. Such program shall provide for—

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

5 (2) the protection and preservation of the sce-
6 nic, geologic, watershed, fish, wildlife, historic, cul-
7 tural and recreational values of the Preserve;

8 (3) multiple use and sustained yield, as defined
9 under the Multiple-Use Sustained Yield Act of 1960
10 (16 U.S.C. 531), of renewable resources within the
11 Preserve;

12 (4) public use of and access to the Preserve for
13 recreation;

14 (5) preparation of an annual budget with the
15 goal of achieving a financially self-sustaining oper-
16 ation within 15 full fiscal years after the date of ac-
17 quisition of the Baca ranch pursuant to section
18 104(a); and

19 (6) optimizing the generation of income based
20 on existing market conditions, but without unreason-
21 ably diminishing the long-term scenic and natural
22 values of the area, or diminishing the multiple use,
23 sustained yield capability of the land.

24 (e) PUBLIC USE AND RECREATION.—

1 (1) IN GENERAL.—The Trust shall give thor-
2 ough consideration to the provision of providing ap-
3 propriate opportunities for public use and recreation
4 that are consistent with the other purposes under
5 section 105(b). The Trust is expressly authorized to
6 construct and upgrade roads and bridges, and pro-
7 vide other facilities for activities including, but not
8 limited to camping and picnicking, hiking, cross
9 country skiing, and snowmobiling. Roads, trails,
10 bridges, and recreational facilities constructed within
11 the Preserve shall meet public safety standards ap-
12 plicable to units of the National Forest System and
13 the State of New Mexico.

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

21 (3) PUBLIC ACCESS.—Upon the acquisition of
22 the Baca ranch pursuant to section 104(a), and
23 after an interim planning period of no more than
24 two years, the public shall have reasonable access to
25 the Preserve for recreation purposes. The Secretary,

1 prior to assumption of management of the Preserve
2 by the Trust, and the Trust thereafter, may reason-
3 ably limit the number and types of recreational ad-
4 missions to the Preserve, or any part thereof, based
5 on the capability of the land, resources, and facili-
6 ties. The use of reservation or lottery system is ex-
7 pressly authorized to implement this paragraph.

8 (f) APPLICABLE LAWS.—

9 (1) IN GENERAL.—The Trust shall administer
10 the Preserve in conformity with this title and all
11 laws pertaining to the National Forest System, ex-
12 cept the Forest and Rangeland Renewable Resources
13 Planning Act of 1974, as amended (16 U.S.C. 1600
14 et seq.).

15 (2) ENVIRONMENTAL LAWS.—The Trust shall
16 be deemed a federal agency for the purposes of com-
17 pliance with federal environmental laws.

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

21 (4) REPORTS ON APPLICABLE RULES AND REG-
22 ULATIONS.—The Trust may submit to the Secretary
23 and the Committees of Congress a compilation of
24 applicable rules and regulations which in the view of

1 the Trust are inappropriate, incompatible with this
2 title, or unduly burdensome.

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

14 (6) NO ADMINISTRATIVE APPEAL.—The admin-
15 istrative appeals regulations of the Secretary shall
16 not apply to activities of the Trust and decisions of
17 the Board.

18 (g) LAW ENFORCEMENT AND FIRE SUPPRESSION.—
19 The Secretary shall provide law enforcement services
20 under a cooperative agreement with the Trust to the ex-
21 tent generally authorized in other units of the National
22 Forest System. At the request of the Trust, the Secretary
23 may provide fire suppression services: *Provided*, That the
24 Trust shall reimburse the Secretary for salaries and ex-

1 penses of fire suppression personnel, commensurate with
2 services provided.

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

4 (a) IN GENERAL.—Notwithstanding the assumption
5 by the Trust of management authority, the Secretary is
6 authorized to—

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

12 (2) issue orders pursuant to and enforce prohi-
13 bitions generally applicable on other units of the Na-
14 tional Forest System, in cooperation with the Trust;

15 (3) exercise the authorities of the Secretary
16 under the Wild and Scenic Rivers Act (16 U.S.C.
17 1278, et seq.) and the Federal Power Act (16
18 U.S.C. 797, et seq.), in cooperation with the Trust;

19 (4) acquire the mineral rights referred to in
20 section 104(e);

21 (5) provide law enforcement and fire suppres-
22 sion services pursuant to section 108(h);

23 (6) at the request of the Trust, exchange or
24 otherwise dispose of land or interests in land within
25 the Preserve;

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

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

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

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

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

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

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

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

4 (a) IN GENERAL.—The Valles Caldera Trust shall
5 terminate at the end of the twentieth full fiscal year fol-
6 lowing acquisition of the Baca ranch pursuant to section
7 104(a).

8 (b) RECOMMENDATIONS.—

9 (1) BOARD.—

10 (A) If after the fourteenth full fiscal years
11 from the date of acquisition of the Baca ranch
12 pursuant to section 104(a), the Board believes
13 the Trust has met the goals and objectives of
14 the comprehensive management program under
15 section 108(d), but has not become financially
16 self-sufficient, the Board may submit to the
17 Committees of Congress, a recommendation for
18 authorization of appropriations beyond that
19 provided under this title.

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

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

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

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

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

1 further appropriation, for any purpose consistent with the
2 purposes of this title.

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

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

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

18 (c) ANNUAL BUDGET REQUEST.—The Secretary
19 shall provide necessary assistance, including detailees as
20 necessary, to the Trust in the formulation and submission
21 of the annual budget request for the administration, oper-
22 ation, and maintenance of the Preserve.

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

24 (a) INITIAL STUDY.—Three years after the assump-
25 tion of management by the Trust, the General Accounting

1 Office shall conduct an interim study of the activities of
 2 the Trust and shall report the results of the study to the
 3 Committees of Congress. The study shall include, but shall
 4 not be limited to, details of programs and activities oper-
 5 ated by the Trust and whether it met its obligations under
 6 this title.

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

15 **TITLE II—ACQUISITION OF** 16 **INHOLDINGS AND DISPOSAL** 17 **OF SURPLUS LAND**

18 **SEC. 201. SHORT TITLE.**

19 This title may be cited as the “Acquisition of
 20 Inholdings and Disposal of Surplus Lands Facilitation
 21 Act”.

22 **SEC. 202. FINDINGS.**

23 Congress finds that—

1 (1) many private individuals own land within
2 the boundaries of Federal land management units
3 and wish to sell this land to the Federal government;

4 (2) these lands lie within national parks, na-
5 tional forests, national monuments, Bureau of Land
6 Management special areas, and national wildlife ref-
7 uges;

8 (3) in many cases, inholders on these lands and
9 the Federal government would mutually benefit by
10 acquiring on a priority basis these lands;

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

16 (5) through land use planning under the Fed-
17 eral Land Policy and Management Act of 1976 the
18 Bureau of Land Management has identified certain
19 public lands for disposal;

20 (6) the Bureau of Land Management has au-
21 thority under the Federal Land Policy and Manage-
22 ment Act of 1976 to exchange or sell lands identified
23 for disposal under its land use planning;

1 (7) a more expeditious process for disposition of
2 public lands identified for disposal would benefit the
3 public interest;

4 (8) the sale or exchange of land identified for
5 disposal would—

6 (A) allow for the reconfiguration of land
7 ownership patterns to better facilitate resource
8 management;

9 (B) contribute to administrative efficiency
10 within the federal land management unit; and

11 (C) allow for increased effectiveness of the
12 allocation of fiscal and human resources within
13 the agency;

14 (9) in certain locations, the sale of public land
15 which has been identified for disposal is the best way
16 for the public to receive a fair market value for the
17 land;

18 (10) using proceeds generated from the disposal
19 of public land to purchase inholdings from willing
20 sellers would enhance the ability of the Federal land
21 management agencies to work cooperatively with pri-
22 vate land owners, and State and local governments
23 and promote consolidation of the ownership of public
24 and private land in a manner that would allow for
25 better overall resource management;

1 (11) proceeds generated from the disposal of
2 public land may be properly dedicated to the acquisi-
3 tion of inholdings; and

4 (12) to allow for the least disruption of existing
5 land and resource management programs, the Bu-
6 reau of Land Management may use non-Federal en-
7 tities to prepare appraisal documents for agency re-
8 view and approval in accordance with the applicable
9 appraisal standards.

10 **SEC. 203. DEFINITIONS.**

11 In this title:

12 (1) **FEDERALLY DESIGNATED AREAS.**—The
13 term “Federally designated areas” means land in
14 Alaska and the eleven contiguous Western States as
15 defined in section 103(o) of the Federal Land Policy
16 and Management Act (43 U.S.C. 1702(o)) that on
17 the date of enactment of this title was within the
18 boundary of—

19 (A) a unit of the National Park System;

20 (B) National Monuments, Areas of Critical
21 Environmental Concern, National Conservation
22 Areas, National Riparian Conservation Areas,
23 Research Natural Areas, Outstanding Natural
24 Areas, and National Natural Landmarks man-
25 aged by the Bureau of Land Management;

1 (C) National Recreation Areas, National
2 Scenic Areas, National Monuments, National
3 Volcanic Areas, and other areas within the Na-
4 tional Forest System designated for special
5 management by an Act of Congress;

6 (D) a unit of the National Wildlife Refuge
7 System; and

8 (E) a wilderness area designated under the
9 Wilderness Act of 1964, as amended (16 U.S.C.
10 1131 et seq.); an area designated under the
11 Wild and Scenic Rivers Act, as amended (16
12 U.S.C. 1271 et seq.); and an area designated
13 under the National Trails System Act, as
14 amended (16 U.S.C. 1241 et seq.).

15 (2) INHOLDING.—The term “inholding” means
16 any right, title, or interest, held by a non-Federal
17 entity, in or to a tract of land which lies within the
18 boundary of a Federally designated area; the term
19 “inholding” does not include lands or interests in
20 lands for which clear title has not been established
21 (except where waved by the Federal government),
22 rights-of-way (including railroad rights-of-way), and
23 existing easements; and

24 (3) PUBLIC LAND.—The term “public land”
25 means public lands as defined in section 103 of the

1 Federal Land Policy and Management Act of 1976
2 (43 U.S.C. 1702).

3 **SEC. 204. IDENTIFICATION OF INHOLDINGS WITHIN FEDER-**
4 **ALLY DESIGNATED AREAS.**

5 (a) MULTI-AGENCY EVALUATION TEAM.—

6 (1) IN GENERAL.—Jointly, the Secretary of the
7 Interior and the Secretary of Agriculture (the Sec-
8 retaries) shall establish a multi-agency evaluation
9 team composed of agency personnel to conduct a
10 program to identify, by state, inholdings within Fed-
11 erally designated areas and establish the dates upon
12 which the lands or interests therein became
13 inholdings. Inholdings shall be identified using the
14 means set forth under subsection (d). Inholdings
15 shall be deemed established as of the latter of—

16 (A) the date the Federal land was with-
17 drawn from the public domain, or established or
18 designated for special management, whichever
19 is earlier; or

20 (B) the date on which the inholding was
21 acquired by the current owner.

22 (2) PUBLIC NOTICE.—The Secretaries shall
23 provide notice to the public in the Federal Register
24 (and through other such means as the Secretaries
25 may determine to be appropriate) of a program of

1 identification of inholdings within Federally des-
2 ignated areas by which any owner who wants to sell
3 such an inholding to the United States shall provide
4 to the Secretaries such information regarding that
5 inholding as is required by the notice.

6 (b) COMPOSITION OF THE EVALUATION TEAM.—The
7 team shall be composed of employees of the National Park
8 Service, the Fish and Wildlife Service, the Bureau of Land
9 Management, the Department of Agriculture, Forest Serv-
10 ice, and other agencies as appropriate.

11 (c) TIMING.—The Secretaries shall establish the
12 Evaluation Team within 90 days after the enactment of
13 this title.

14 (d) DUTIES OF THE EVALUATION TEAM.—The team
15 shall be charged with the identification of inholdings with-
16 in Federally designated areas, by state, and by the date
17 upon which the lands or interests therein became
18 inholdings. Inholdings will be identified using—

19 (1) the list of inholdings identified by owners
20 pursuant to subsection (a)(2); and

21 (2) tracts of land identified through existing
22 agency planning processes.

23 (e) REPORT.—The Secretaries shall submit a report
24 to the Committee on Energy and Natural Resources and
25 the Committee on Appropriations of the Senate, and the

1 Committee on Resources and the Committee on Appro-
2 priations of the House of Representatives on the status
3 of their evaluations within one year after the enactment
4 of this title, and at the end of each 180 day increment
5 thereafter until such time as reasonable efforts to identify
6 inholdings have been made or the program established in
7 section 205 terminates.

8 (f) FUNDING.—Funding to carry out this section
9 shall be taken from operating funds of the agencies in-
10 volved and shall be reimbursed from the account estab-
11 lished under section 206.

12 **SEC. 205. DISPOSAL OF SURPLUS PUBLIC LAND.**

13 (a) IN GENERAL.—The Secretary of the Interior (in
14 this section, the “Secretary”) shall establish a program,
15 utilizing funds available under section 207, to complete
16 appraisals and other legal requirements for the sale or ex-
17 change of land identified for disposal under approved land
18 use plans maintained under section 202 of the Federal
19 Land Policy and Management Act of 1976 (43 U.S.C.
20 1712) and in effect on the date of enactment of this title.

21 (b) SALE OF PUBLIC LAND.—The sale of public land
22 so identified shall be conducted in accordance with section
23 203 and section 209 of the Federal Land Policy and Man-
24 agement Act of 1976 (43 U.S.C. 1713, 1719). It is the
25 intent of Congress that the exceptions to competitive bid-

ding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) apply under this title, where the Secretary of the Interior determines it necessary and proper.

(c) REPORT IN PUBLIC LAND STATISTICS.—The Secretary shall provide in the annual publication of Public Land Statistics, a report of activities related to the program established under this section.

(d) TERMINATION OF PROGRAM.—The program established by this section shall terminate ten years from the date of enactment of this title.

SEC. 206. DISTRIBUTION OF RECEIPTS.

Notwithstanding any other Act, except those specifically providing for a proportion of the proceeds to be distributed to any trust funds of any States, gross proceeds generated by the sale or exchange of public land under this title shall be deposited in a separate account in the Treasury of the United States to be known as the “Federal Land Disposal Account”, for use as provided under section 207.

SEC. 207. FEDERAL LAND DISPOSAL ACCOUNT.

(a) IN GENERAL.—Amounts in the Federal Land Disposal Account shall be available to the Secretary of the Interior and the Secretary of Agriculture, without further act of appropriation, to carry out this title.

1 (b) USE OF THE FEDERAL LAND DISPOSAL AC-
2 COUNT.—Funds deposited in the Federal Land Disposal
3 Account may be expended as follows—

4 (1) except as authorized under paragraph (7),
5 proceeds from the disposal of lands under this title
6 shall be used to purchase inholdings contained with-
7 in Federally designated areas;

8 (2) acquisition priority shall be given to those
9 lands which have existed as inholdings for the long-
10 est period of time, except that the Secretaries may
11 develop criteria for priority of acquisition consider-
12 ing the following additional factors—

13 (A) limits in size or cost in order to maxi-
14 mize the utilization of funds among eligible
15 inholdings; and

16 (B) other relevant factors including, but
17 not limited to, the condition of title and the ex-
18 istence of hazardous substances;

19 (3) acquisition of any inholding under this sec-
20 tion shall be on a willing seller basis contingent upon
21 the conveyance of title acceptable to the appropriate
22 Secretary utilizing title standards of the Attorney
23 General;

24 (4) all proceeds, including interest, from the
25 disposal of lands under section 205 shall be ex-

1 pended within the state in which they were gen-
2 erated until a reasonable effort has been made to ac-
3 quire all inholdings identified by the evaluation team
4 pursuant to section 204 within that state:

5 (5) upon the acquisition of all inholdings under
6 paragraph (4), proceeds may be expended in other
7 states, and a priority shall be established in order of
8 those states having the greatest inventory of
9 unacquired inholdings as of the beginning of the fis-
10 cal year in which the excess proceeds become avail-
11 able;

12 (6) the acquisition of inholdings under this sec-
13 tion shall be at fair market value;

14 (7) an amount not to exceed 20 percent of the
15 funds in the Federal Land Disposal Account shall be
16 used for administrative and other expenses necessary
17 to carry out the land disposal program under section
18 205;

19 (c) CONTAMINATED SITES AND SITES DIFFICULT
20 AND UNECONOMIC TO MANAGE.—Funds in the account
21 established by section 206 shall not be used to purchase
22 or lands or interests in lands which, as determined by the
23 agency, contain hazardous substances or are otherwise
24 contaminated, or which, because of their location or other

1 characteristics, would be difficult or uneconomic to man-
2 age as Federal land.

3 (d) INVESTMENT OF PRINCIPAL.—Funds deposited
4 as principal in the Federal Land Disposal Account shall
5 earn interest in the amount determined by the Secretary
6 of the Treasury based on the current average market yield
7 on outstanding marketable obligations of the United
8 States of comparable maturities.

9 (e) LAND AND WATER CONSERVATION FUND ACT.—
10 Funds made available under this section shall be supple-
11 mental to any funds appropriated under the Land and
12 Water Conservation Fund Act (16 U.S.C. 460l–4 through
13 460l–6a, 460l–7 through 460l–10, 460l–10a–d, 460l–11).

14 (f) TERMINATION.—On termination of the program
15 under section 205—

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

18 (2) any remaining balance in such account shall
19 become available for appropriation under section 3
20 of the Land and Water Conservation Fund Act (16
21 U.S.C. 460l–6).

22 **SEC. 208. SPECIAL PROVISIONS.**

23 (a) IN GENERAL.—Nothing in this title shall be con-
24 strued as an exemption from any existing limitation on

1 the acquisition of lands or interests therein under any
2 Federal Law.

3 (b) SANTINI-BURTON ACT.—The provisions of this
4 title shall not apply to lands eligible for sale pursuant to
5 the Santini-Burton Act (94 Stat. 3381).

6 (c) EXCHANGES.—Nothing in this title shall be con-
7 strued as precluding, pre-empting, or limiting the author-
8 ity to exchange lands under the Federal Land Policy and
9 Management Act of 1976 (43 U.S.C. 1701 et seq.), or
10 the Federal Land Exchange Facilitation Act of 1988
11 (site).

12 (d) RIGHT OR BENEFIT.—This title is intended to
13 provide direction regarding Federal land management.
14 Nothing herein is intended to, or shall create a right or
15 benefit, substantive or procedural, enforceable at law or
16 in equity by a party against the United States, its agen-
17 cies, its officers, or any other person.

