

108TH CONGRESS  
2D SESSION

# S. 1582

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2004

Referred to the Committee on Resources

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## AN ACT

To amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Valles Caldera Preser-  
5 vation Act of 2004”.

1 **SEC. 2. AMENDMENTS TO THE VALLES CALDERA PRESER-**  
2 **VATION ACT.**

3 (a) ACQUISITION OF OUTSTANDING MINERAL INTER-  
4 ESTS.—Section 104(e) of the Valles Caldera Preservation  
5 Act (16 U.S.C. 698v-2(e)) is amended—

6 (1) by striking “The acquisition” and inserting  
7 the following:

8 “(1) IN GENERAL.—The acquisition”;

9 (2) by striking “The Secretary” and inserting  
10 the following:

11 “(2) ACQUISITION.—The Secretary”;

12 (3) by striking “on a willing seller basis”;

13 (4) by striking “Any such” and inserting the  
14 following:

15 “(3) ADMINISTRATION.—Any such”; and

16 (5) by adding at the end the following:

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

19 “(5) DECLARATION OF TAKING.—

20 “(A) IN GENERAL.—If negotiations to ac-  
21 quire the interests are unsuccessful by the date  
22 that is 60 days after the date of enactment of  
23 this paragraph, the Secretary shall acquire the  
24 interests pursuant to section 3114 of title 40,  
25 United States Code.

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

7           (b) OBLIGATIONS AND EXPENDITURES.—Section  
8           106(e) of the Valles Caldera Preservation Act (16 U.S.C.  
9           698v-4(e)) is amended by adding at the end the following:

10           “(4) OBLIGATIONS AND EXPENDITURES.—Sub-  
11           ject to the laws applicable to Government corpora-  
12           tions, the Trust shall determine—

13           “(A) the character of, and the necessity  
14           for, any obligations and expenditures of the  
15           Trust; and

16           “(B) the manner in which obligations and  
17           expenditures shall be incurred, allowed, and  
18           paid.”.

19           (c) SOLICITATION OF DONATIONS.—Section 106(g)  
20           of the Valles Caldera Preservation Act (16 U.S.C. 698v-  
21           4(g)) is amended by striking “The Trust may solicit” and  
22           inserting “The members of the Board of Trustees, the ex-  
23           ecutive director, and 1 additional employee of the Trust  
24           in an executive position designated by the Board of Trust-  
25           ees or the executive director may solicit”.

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

7 **SEC. 3. BOARD OF TRUSTEES.**

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

10 (1) in paragraph (2), by striking “Trustees”  
11 and inserting “Except as provided in paragraph (3),  
12 trustees”; and

13 (2) in paragraph (3)—

14 (A) by striking “Trustees” and inserting  
15 the following:

16 “(A) SELECTION.—Trustees”; and

17 (B) by adding at the end the following:

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

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

3           “(C) MAXIMUM RATE OF PAY.—The total  
4           amount of compensation paid to the chair for a  
5           fiscal year under subparagraph (B) shall not  
6           exceed 25 percent of the annual rate of pay for  
7           level IV of the Executive Schedule under section  
8           5315 of title 5, United States Code.”.

9   **SEC. 4. RESOURCE MANAGEMENT.**

10       (a) PROPERTY DISPOSAL LIMITATIONS.—Section  
11 108(c)(3) of the Valles Caldera Preservation Act (16  
12 U.S.C. 698v–6(c)(3)) is amended—

13           (1) in the first sentence, by striking “The Trust  
14           may not dispose” and inserting the following:

15           “(A) IN GENERAL.—The Trust may not  
16           dispose”;

17           (2) in the second sentence, by striking “The  
18           Trust” and inserting the following:

19           “(B) MAXIMUM DURATION.—The Trust”;

20           (3) in the last sentence, by striking “Any such”  
21           and inserting the following:

22           “(C) TERMINATION.—The”; and

23           (4) by adding at the end the following:

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

1 does not include the sale or other disposal of  
2 forage, forest products, or marketable renew-  
3 able resources.”.

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

7 (1) in the first sentence, by striking “The Sec-  
8 retary” and inserting the following:

9 “(1) LAW ENFORCEMENT.—

10 “(A) IN GENERAL.—The Secretary”;

11 (2) in the second sentence, by striking “The  
12 Trust” and inserting the following:

13 “(B) FEDERAL AGENCY.—The Trust”; and

14 (3) by striking “At the request of the Trust”  
15 and all that follows through the end of the para-  
16 graph and inserting the following:

17 “(2) FIRE MANAGEMENT.—

18 “(A) NON-REIMBURSABLE SERVICES.—

19 “(i) DEVELOPMENT OF PLAN.—The  
20 Secretary shall, in consultation with the  
21 Trust, develop a plan to carry out fire pre-  
22 paredness, suppression, and emergency re-  
23 habilitation services on the Preserve.

24 “(ii) CONSISTENCY WITH MANAGE-  
25 MENT PROGRAM.—The plan shall be con-



1 (3) by striking “on a willing seller basis”;

2 (4) by striking “Any such” and inserting the  
3 following:

4 “(3) ADMINISTRATION.—Any such”; and

5 (5) by adding at the end the following:

6 “(4) AVAILABLE FUNDS.—Any such interests  
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 13 inserting “The members of the Board of Trustees, the ex-  
 14 ecutive director, and 1 additional employee of the Trust  
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3           trustees”; and

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5           (A) by striking “Trustees” and inserting  
6           the following:

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8           (B) by adding at the end the following:

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10           chair, the chair may be compensated at a rate  
11           determined by the Board of Trustees, but not  
12           to exceed the daily equivalent of the annual rate  
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15           Code, for each day (including travel time) in  
16           which the chair is engaged in the performance  
17           of duties of the Board of Trustees.

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19           amount of compensation paid to the chair for a  
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9                   “(A) NON-REIMBURSABLE SERVICES.—

10                   “(i) DEVELOPMENT OF PLAN.—The  
11 Secretary shall, in consultation with the  
12 Trust, develop a plan to carry out fire pre-  
13 paredness, suppression, and emergency re-  
14 habilitation services on the Preserve.

15                   “(ii) CONSISTENCY WITH MANAGE-  
16 MENT PROGRAM.—The plan shall be con-  
17 sistent with the management program de-  
18 veloped pursuant to subsection (d).

19                   “(iii) COOPERATIVE AGREEMENT.—To  
20 the extent generally authorized at other  
21 units of the National Forest System, the  
22 Secretary shall provide the services to be  
23 carried out pursuant to the plan under a  
24 cooperative agreement entered into be-  
25 tween the Secretary and the Trust.

1           “(B) REIMBURSABLE SERVICES.—To the  
2           extent generally authorized at other units of the  
3           National Forest System, the Secretary may pro-  
4           vide presuppression and nonemergency rehabili-  
5           tation and restoration services for the Trust at  
6           any time on a reimbursable basis.”.

Passed the Senate September 15, 2004.

Attest:

*Secretary.*