

Calendar No. 607

111TH CONGRESS
2D SESSION**S. 3452****[Report No. 111–321]**

To designate the Valles Caldera National Preserve as a unit of the National Park System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 27 (legislative day, MAY 26), 2010

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

SEPTEMBER 27, 2010

Reported by Mr. BINGAMAN, with an amendment

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

To designate the Valles Caldera National Preserve as a unit of the National Park System, 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 Na-
5 tional Preserve Management Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ELIGIBLE EMPLOYEE.**—The term “eligible
4 employee” means a person that, on the date of en-
5 actment of this Act, was a full-time or part-time an-
6 nual employee of the Trust.

7 (2) **FUND.**—The term “Fund” means the
8 Valles Caldera Fund established by section
9 106(h)(2) of the Valles Caldera Preservation Act (16
10 U.S.C. 698v-4(h)(2)).

11 (3) **PRESERVE.**—The term “Preserve” means
12 the Valles Caldera National Preserve in the State.

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

15 (5) **STATE.**—The term “State” means the State
16 of New Mexico.

17 (6) **TRUST.**—The term “Trust” means the
18 Valles Caldera Trust established by section 106(a)
19 of the Valles Caldera Preservation Act (16 U.S.C.
20 698v-4(a)).

21 **SEC. 3. VALLES CALDERA NATIONAL PRESERVE.**

22 (a) **DESIGNATION AS UNIT OF THE NATIONAL PARK**
23 **SYSTEM.**—To protect and preserve the fish, wildlife, wa-
24 tershed, natural, scientific, scenic, geologic, historic, cul-
25 tural, archeological, and recreational values of the area,

1 the Valles Caldera National Preserve is designated as a
 2 unit of the National Park System.

3 ~~(b) MANAGEMENT.—~~

4 ~~(1) APPLICABLE LAW.—~~The Secretary shall ad-
 5 minister the Preserve in accordance with—

6 ~~(A) this Act; and~~

7 ~~(B) the laws generally applicable to units~~
 8 ~~of the National Park System, including—~~

9 ~~(i) the National Park Service Organic~~
 10 ~~Act (16 U.S.C. 1 et seq.); and~~

11 ~~(ii) the Act of August 21, 1935 (16~~
 12 ~~U.S.C. 461 et seq.).~~

13 ~~(2) INTERIM MANAGEMENT.—~~

14 ~~(A) IN GENERAL.—~~Beginning on the date
 15 of enactment of this Act, the Secretary shall
 16 have sole management responsibility for the
 17 Preserve.

18 ~~(B) MEMORANDUM OF AGREEMENT.—~~Not
 19 later than 30 days after the date of enactment
 20 of this Act, the Secretary and the Trust shall
 21 enter into a memorandum of agreement to fa-
 22 cilitate the orderly transfer to the Secretary of
 23 the administration of the Preserve.

24 ~~(C) EXISTING MANAGEMENT PLANS.—~~Not-
 25 withstanding the repeal made by section 5(a),

1 until the date on which the Secretary completes
 2 a management plan for the Preserve in accord-
 3 ance with paragraph (4), the Secretary may ad-
 4 minister the Preserve in accordance with any
 5 management activities or plans adopted by the
 6 Trust under the Valles Caldera Preservation
 7 Act (16 U.S.C. 698v et seq.), to the extent the
 8 activities or plans are consistent with paragraph
 9 (1).

10 ~~(3)~~ MANAGEMENT COORDINATION.—To the
 11 maximum extent practicable, the Secretary shall co-
 12 ordinate the management and operations of the Pre-
 13 serve with the Bandelier National Monument.

14 (4) MANAGEMENT PLAN.—

15 (A) IN GENERAL.—Not later than 3 fiscal
 16 years after the date on which funds are made
 17 available to implement this subsection, the Sec-
 18 retary shall prepare a management plan for the
 19 Preserve.

20 (B) APPLICABLE LAW.—The management
 21 plan shall be prepared in accordance with—

22 (i) section 12(b) of Public Law 91-
 23 383 (commonly known as the “National
 24 Park Service General Authorities Act”)
 25 (16 U.S.C. 1a-7(b)); and

1 (ii) any other applicable laws.

2 (C) CONSULTATION.—The management
3 plan shall be prepared in consultation with—

4 (i) State and local governments;

5 (ii) Indian tribes and pueblos, includ-
6 ing the Pueblos of Jemez, Santa Clara,
7 and San Hdefonso; and

8 (iii) the public.

9 (c) ACQUISITION OF LAND.—

10 (1) IN GENERAL.—The Secretary may acquire
11 land and interests in land within the boundaries of
12 the Preserve by—

13 (A) purchase with donated or appropriated
14 funds;

15 (B) donation; or

16 (C) transfer from another Federal agency.

17 (2) ADMINISTRATION OF ACQUIRED LAND.—On
18 acquisition of any land or interests in land under
19 paragraph (1), the acquired land or interests in land
20 shall be administered as part of the Preserve.

21 (d) SCIENCE AND EDUCATION PROGRAM.—

22 (1) IN GENERAL.—The Secretary shall—

23 (A) until the date on which a management
24 plan is completed in accordance with subsection

25 (b)(4), carry out the science and education pro-

1 gram for the Preserve established by the Trust;
2 and

3 ~~(B)~~ establish a science and education pro-
4 gram for the Preserve that—

5 (i) shall be carried out by the Sec-
6 retary beginning on the date on which a
7 management plan is completed in accord-
8 ance with subsection ~~(b)(3)~~;

9 (ii) allows for research and interpreta-
10 tion of the nationally significant geologic
11 and other scientific features of the Pre-
12 serve; and

13 (iii) provides for improved methods of
14 ecological restoration and science-based
15 adaptive management of the Preserve.

16 ~~(2) SCIENCE AND EDUCATION CENTER.—~~The
17 Secretary may establish a science and education cen-
18 ter outside the boundaries of the Preserve to pro-
19 mote research and education of the natural and cul-
20 tural resources of the Preserve.

21 ~~(c) GRAZING.—~~The Secretary may allow the grazing
22 of livestock within the Preserve to continue, consistent
23 with this Act—

1 (1) in areas of the Preserve in which grazing
2 was permitted during the grazing season preceding
3 the date of enactment of this Act; and

4 (2) to the extent the use furthers scientific re-
5 search or interpretation of the ranching history of
6 the Preserve.

7 (f) FISH AND WILDLIFE.—

8 (1) IN GENERAL.—The Secretary shall permit
9 hunting and fishing on land and waters within the
10 Preserve in accordance with applicable Federal and
11 State laws, except that the Secretary may, in con-
12 sultation with the New Mexico Department of Game
13 and Fish, designate zones in which, and establish
14 periods during which, no hunting or fishing shall be
15 permitted for reasons of public safety, administra-
16 tion, the protection of wildlife and wildlife habitats,
17 or public use and enjoyment.

18 (2) STATE AUTHORITY.—Nothing in this Act
19 affects the responsibilities of the State with respect
20 to fish and wildlife in the State.

21 (g) WITHDRAWAL.—Subject to valid existing rights,
22 all land and interests in land within the boundaries of the
23 Preserve are withdrawn from—

24 (1) entry, disposal, or appropriation under the
25 public land laws;

1 (2) location, entry, and patent under the mining
2 laws; and

3 (3) operation of the mineral leasing laws, geo-
4 thermal leasing laws; and mineral materials laws.

5 (h) VOLCANIC DOMES AND OTHER PEAKS.—

6 (1) IN GENERAL.—For the purposes of pre-
7 serving the natural, cultural, religious, and historic
8 resources of the volcanic domes and other peaks in
9 the Preserve described in paragraph (2) and except
10 as provided in paragraph (3), within the area of the
11 domes and peaks above 9,250 feet in elevation—

12 (A) no roads or facilities shall be con-
13 structed; and

14 (B) no motorized access shall be allowed.

15 (2) DESCRIPTION OF VOLCANIC DOMES.—The
16 volcanic domes and other peaks referred to in para-
17 graph (1) are—

18 (A) Redondo Peak;

19 (B) Redondito;

20 (C) South Mountain;

21 (D) San Antonio Mountain;

22 (E) Cerro Seco;

23 (F) Cerro San Luis;

24 (G) Cerros Santa Rosa;

25 (H) Cerros del Abrigo;

- 1 (I) Cerro del Medio;
- 2 (J) Rabbit Mountain;
- 3 (K) Cerro Grande;
- 4 (L) Cerro Toledo;
- 5 (M) Sierra de los Valles; and
- 6 (N) Cerros de los Posos.

7 (3) EXCEPTION.—Paragraph (1) shall not
 8 apply in cases in which the construction or motor-
 9 ized access is necessary for administrative purposes
 10 (including measures required in emergencies to pro-
 11 tect the health and safety of persons in the area).

12 (i) TRADITIONAL CULTURAL AND RELIGIOUS
 13 SITES.—

14 (1) IN GENERAL.—The Secretary, in consulta-
 15 tion with Indian tribes and pueblos, shall—

16 (A) ensure the protection of traditional
 17 cultural and religious sites in the Preserve; and

18 (B) provide access to the sites described in
 19 subparagraph (A) by members of Indian tribes
 20 or pueblos for traditional cultural and cus-
 21 tomary uses, in accordance with Public Law
 22 95–341 (commonly known as the “American In-
 23 dian Religious Freedom Act”) (42 U.S.C.
 24 1996).

1 (j) TEMPORARY CLOSURES.—In accordance with
 2 Public Law 95–341 (commonly known as the “American
 3 Indian Religious Freedom Act”) (42 U.S.C. 1996), the
 4 Secretary, on request of an Indian tribe or pueblo, may
 5 temporarily close to general public use 1 or more specific
 6 areas of the Preserve to protect traditional cultural and
 7 customary uses in the area by members of the Indian tribe
 8 or pueblo.

9 (k) CALDERA RIM TRAIL.—

10 (1) IN GENERAL.—Not later than 3 years after
 11 the date of enactment of this Act, the Secretary and
 12 the Secretary of Agriculture, in consultation with In-
 13 dian tribes, pueblos, and the public, shall study the
 14 feasibility of establishing a hiking trail along the rim
 15 of the Valles Caldera on—

16 (A) land within the Preserve; and

17 (B) National Forest System land that is
 18 adjacent to the Preserve.

19 (2) SANTA CLARA PUEBLO.—On request of
 20 Santa Clara Pueblo, the Secretary and the Secretary
 21 of Agriculture shall seek to enter into an agreement
 22 with the Santa Clara Pueblo with respect to the
 23 Caldera Rim Trail that provides for the protection
 24 of the privacy of the Pueblo with respect to, and the

1 continuity of, traditional cultural and religious ac-
 2 tivities on the Santa Clara Indian Reservation.

3 ~~(3) PROHIBITION ON MOTORIZED ACCESS.—~~The
 4 Secretary shall maintain prohibitions on the use of
 5 motorized or mechanized travel on Preserve land lo-
 6 cated adjacent to the Santa Clara Indian Reserva-
 7 tion, to the extent the prohibition was in effect on
 8 the date of enactment of this Act.

9 **SEC. 4. TRANSFER OF ADMINISTRATIVE JURISDICTION.**

10 (a) ~~IN GENERAL.—~~Administrative jurisdiction over
 11 the Preserve is transferred from the Secretary of Agri-
 12 culture and the Trust to the Secretary, to be administered
 13 as a unit of the National Park System, in accordance with
 14 section 3.

15 (b) ~~EXCLUSION FROM SANTA FE NATIONAL FOR-~~
 16 ~~EST.—~~The boundaries of the Santa Fe National Forest
 17 are modified to exclude the Preserve.

18 (c) ~~VALLES CALDERA TRUST.—~~

19 (1) ~~TERMINATION.—~~The Trust shall terminate
 20 180 days after the date of enactment of this Act un-
 21 less the Secretary determines that the termination
 22 date should be extended to facilitate the transitional
 23 management of the Preserve.

24 (2) ~~ASSETS AND LIABILITIES.—~~

1 (A) ASSETS.—On termination of the
2 Trust, all assets of the Trust shall be trans-
3 ferred to the Secretary.

4 (B) LIABILITIES.—

5 (i) IN GENERAL.—On termination of
6 the Trust, the Secretary shall assume all
7 liabilities of the Trust.

8 (ii) NEW LIABILITIES.—

9 (I) BUDGET.—Not later than 30
10 days after the date of enactment of
11 this Act, the Secretary and the Trust
12 shall prepare a budget for the interim
13 management of the Preserve.

14 (II) WRITTEN CONCURRENCE RE-
15 QUIRED.—The Trust shall not incur
16 any new liabilities not authorized in
17 the budget prepared under subclause
18 (I) without the written concurrence of
19 the Secretary.

20 (3) PERSONNEL.—

21 (A) HIRING.—The Secretary and the Sec-
22 retary of Agriculture may hire employees of the
23 Trust on a noncompetitive basis for comparable
24 positions at the Preserve or other units of the

1 National Park System or National Forest Sys-
 2 tem in the State.

3 (B) SALARY.—Any employees hired from
 4 the Trust under subparagraph (A) shall be sub-
 5 ject to the provisions of chapter 51, and sub-
 6 chapter III of chapter 53, title 5, United States
 7 Code, relating to classification and General
 8 Schedule pay rates.

9 (C) INTERIM RETENTION OF ELIGIBLE EM-
 10 PLOYEES.—For a period of not less than 180
 11 days beginning on the date of enactment of this
 12 Act, all eligible employees of the Trust shall
 13 be—

14 (i) retained in the employment of the
 15 Trust;

16 (ii) considered to be placed on detail
 17 to the Secretary; and

18 (iii) subject to the direction of the
 19 Secretary.

20 (D) TERMINATION FOR CAUSE.—Nothing
 21 in this paragraph precludes the termination of
 22 employment of an eligible employee for cause
 23 during the period described in subparagraph
 24 (C).

1 (4) RECORDS.—The Secretary shall have access
2 to all records of the Trust pertaining to the manage-
3 ment of the Preserve.

4 (5) VALLES CALDERA FUND.—

5 (A) IN GENERAL.—Effective on the date of
6 enactment of this Act, the Secretary shall as-
7 sume the powers of the Trust over the Fund.

8 (B) AVAILABILITY AND USE.—Any
9 amounts in the Fund as of the date of enact-
10 ment of this Act shall be available to the Sec-
11 retary for use, without further appropriation,
12 for the management of the Preserve.

13 **SEC. 5. REPEAL OF VALLES CALDERA PRESERVATION ACT.**

14 (a) REPEAL.—On the termination of the Trust, the
15 Valles Caldera Preservation Act (16 U.S.C. 698v et seq.)
16 is repealed.

17 (b) EFFECT ON FUND.—Notwithstanding the repeal
18 made by subsection (a), the Fund shall not be terminated
19 until all amounts in the Fund have been expended by the
20 Secretary.

21 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated such sums
23 as are necessary to carry out this Act.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Valles Caldera National*
 3 *Preserve Management Act”.*

4 **SEC. 2. DEFINITIONS.**

5 *In this Act:*

6 (1) *ELIGIBLE EMPLOYEE.*—*The term “eligible*
 7 *employee” means a person who was a full-time or*
 8 *part-time employee of the Trust during the 180-day*
 9 *period immediately preceding the date of enactment*
 10 *of this Act.*

11 (2) *FUND.*—*The term “Fund” means the Valles*
 12 *Caldera Fund established by section 106(h)(2) of the*
 13 *Valles Caldera Preservation Act (16 U.S.C. 698v–*
 14 *4(h)(2)).*

15 (3) *PRESERVE.*—*The term “Preserve” means the*
 16 *Valles Caldera National Preserve in the State.*

17 (4) *SECRETARY.*—*The term “Secretary” means*
 18 *the Secretary of the Interior.*

19 (5) *STATE.*—*The term “State” means the State*
 20 *of New Mexico.*

21 (6) *TRUST.*—*The term “Trust” means the Valles*
 22 *Caldera Trust established by section 106(a) of the*
 23 *Valles Caldera Preservation Act (16 U.S.C. 698v–*
 24 *4(a)).*

1 **SEC. 3. VALLES CALDERA NATIONAL PRESERVE.**

2 (a) *DESIGNATION AS UNIT OF THE NATIONAL PARK*
 3 *SYSTEM.—To protect, preserve, and restore the fish, wild-*
 4 *life, watershed, natural, scientific, scenic, geologic, historic,*
 5 *cultural, archaeological, and recreational values of the area,*
 6 *the Valles Caldera National Preserve is designated as a unit*
 7 *of the National Park System.*

8 (b) *MANAGEMENT.—*

9 (1) *APPLICABLE LAW.—The Secretary shall ad-*
 10 *minister the Preserve in accordance with—*

11 (A) *this Act; and*

12 (B) *the laws generally applicable to units of*
 13 *the National Park System, including—*

14 (i) *the National Park Service Organic*
 15 *Act (16 U.S.C. 1 et seq.); and*

16 (ii) *the Act of August 21, 1935 (16*
 17 *U.S.C. 461 et seq.).*

18 (2) *MANAGEMENT COORDINATION.—The Sec-*
 19 *retary may coordinate the management and oper-*
 20 *ations of the Preserve with the Bandelier National*
 21 *Monument.*

22 (3) *MANAGEMENT PLAN.—*

23 (A) *IN GENERAL.—Not later than 3 fiscal*
 24 *years after the date on which funds are made*
 25 *available to implement this subsection, the Sec-*

1 *retary shall prepare a management plan for the*
 2 *Preserve.*

3 *(B) APPLICABLE LAW.—The management*
 4 *plan shall be prepared in accordance with—*

5 *(i) section 12(b) of Public Law 91–383*
 6 *(commonly known as the “National Park*
 7 *Service General Authorities Act”) (16*
 8 *U.S.C. 1a–7(b)); and*

9 *(ii) any other applicable laws.*

10 *(C) CONSULTATION.—The management*
 11 *plan shall be prepared in consultation with—*

12 *(i) the Secretary of Agriculture;*

13 *(ii) State and local governments;*

14 *(iii) Indian tribes and pueblos, includ-*
 15 *ing the Pueblos of Jemez, Santa Clara, and*
 16 *San Ildefonso; and*

17 *(iv) the public.*

18 *(c) ACQUISITION OF LAND.—*

19 *(1) IN GENERAL.—The Secretary may acquire*
 20 *land and interests in land within the boundaries of*
 21 *the Preserve by—*

22 *(A) purchase with donated or appropriated*
 23 *funds;*

24 *(B) donation; or*

25 *(C) transfer from another Federal agency.*

1 (2) *ADMINISTRATION OF ACQUIRED LAND.*—On
 2 *acquisition of any land or interests in land under*
 3 *paragraph (1), the acquired land or interests in land*
 4 *shall be administered as part of the Preserve.*

5 (d) *SCIENCE AND EDUCATION PROGRAM.*—

6 (1) *IN GENERAL.*—*The Secretary shall—*

7 (A) *until the date on which a management*
 8 *plan is completed in accordance with subsection*
 9 *(b)(3), carry out the science and education pro-*
 10 *gram for the Preserve established by the Trust;*
 11 *and*

12 (B) *beginning on the date on which a man-*
 13 *agement plan is completed in accordance with*
 14 *subsection (b)(3), establish a science and edu-*
 15 *cation program for the Preserve that—*

16 (i) *allows for research and interpreta-*
 17 *tion of the natural, historic, cultural, geo-*
 18 *logic and other scientific features of the Pre-*
 19 *serve;*

20 (ii) *provides for improved methods of*
 21 *ecological restoration and science-based*
 22 *adaptive management of the Preserve; and*

23 (iii) *promotes outdoor educational ex-*
 24 *periences in the Preserve.*

1 (2) *SCIENCE AND EDUCATION CENTER.*—*As part*
 2 *of the program established under paragraph (1)(B),*
 3 *the Secretary may establish a science and education*
 4 *center outside the boundaries of the Preserve.*

5 (e) *GRAZING.*—*The Secretary may allow the grazing*
 6 *of livestock within the Preserve to continue—*

7 (1) *consistent with this Act; and*

8 (2) *to the extent the use furthers scientific re-*
 9 *search or interpretation of the ranching history of the*
 10 *Preserve.*

11 (f) *FISH AND WILDLIFE.*—*Nothing in this Act affects*
 12 *the responsibilities of the State with respect to fish and*
 13 *wildlife in the State, except that the Secretary, in consulta-*
 14 *tion with the New Mexico Department of Game and Fish—*

15 (1) *shall permit hunting and fishing on land*
 16 *and water within the Preserve in accordance with ap-*
 17 *plicable Federal and State laws; and*

18 (2) *may designate zones in which, and establish*
 19 *periods during which, no hunting or fishing shall be*
 20 *permitted for reasons of public safety, administration,*
 21 *the protection of wildlife and wildlife habitats, or*
 22 *public use and enjoyment.*

23 (g) *ECOLOGICAL RESTORATION.*—

24 (1) *IN GENERAL.*—*The Secretary shall undertake*
 25 *activities to improve the health of forest, grassland,*

1 *and riparian areas within the Preserve, including*
 2 *any activities carried out in accordance with title IV*
 3 *of the Omnibus Public Land Management Act of 2009*
 4 *(16 U.S.C. 7301 et seq.).*

5 (2) *COOPERATIVE AGREEMENTS.—The Secretary*
 6 *may enter into cooperative agreements with adjacent*
 7 *pueblos to coordinate activities carried out under*
 8 *paragraph (1) on the Preserve and adjacent pueblo*
 9 *land.*

10 (h) *WITHDRAWAL.—Subject to valid existing rights, all*
 11 *land and interests in land within the boundaries of the Pre-*
 12 *serve are withdrawn from—*

13 (1) *entry, disposal, or appropriation under the*
 14 *public land laws;*

15 (2) *location, entry, and patent under the mining*
 16 *laws; and*

17 (3) *operation of the mineral leasing laws, geo-*
 18 *thermal leasing laws, and mineral materials laws.*

19 (i) *VOLCANIC DOMES AND OTHER PEAKS.—*

20 (1) *IN GENERAL.—Except as provided in para-*
 21 *graph (3), for the purposes of preserving the natural,*
 22 *cultural, religious, archaeological, and historic re-*
 23 *sources of the volcanic domes and other peaks in the*
 24 *Preserve described in paragraph (2) within the area*
 25 *of the domes and peaks above 9,600 feet in elevation*

1 *or 250 feet below the top of the dome, whichever is*
 2 *lower—*

3 *(A) no roads or buildings shall be con-*
 4 *structed; and*

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

6 *(2) DESCRIPTION OF VOLCANIC DOMES.—The*
 7 *volcanic domes and other peaks referred to in para-*
 8 *graph (1) are—*

9 *(A) Redondo Peak;*

10 *(B) Redondito;*

11 *(C) South Mountain;*

12 *(D) San Antonio Mountain;*

13 *(E) Cerro Seco;*

14 *(F) Cerro San Luis;*

15 *(G) Cerros Santa Rosa;*

16 *(H) Cerros del Abrigo;*

17 *(I) Cerro del Medio;*

18 *(J) Rabbit Mountain;*

19 *(K) Cerro Grande;*

20 *(L) Cerro Toledo;*

21 *(M) Indian Point;*

22 *(N) Sierra de los Valles; and*

23 *(O) Cerros de los Posos.*

24 *(3) EXCEPTION.—Paragraph (1) shall not apply*
 25 *in cases in which construction or motorized access is*

1 *necessary for administrative purposes (including eco-*
 2 *logical restoration activities or measures required in*
 3 *emergencies to protect the health and safety of persons*
 4 *in the area).*

5 (j) *TRADITIONAL CULTURAL AND RELIGIOUS SITES.—*

6 (1) *IN GENERAL.—The Secretary, in consultation*
 7 *with Indian tribes and pueblos, shall ensure the pro-*
 8 *tection of traditional cultural and religious sites in*
 9 *the Preserve.*

10 (2) *ACCESS.—The Secretary, in accordance with*
 11 *Public Law 95–341 (commonly known as the “Amer-*
 12 *ican Indian Religious Freedom Act”)* (42 U.S.C.
 13 *1996)—*

14 (A) *shall provide access to the sites de-*
 15 *scribed in paragraph (1) by members of Indian*
 16 *tribes or pueblos for traditional cultural and*
 17 *customary uses; and*

18 (B) *may, on request of an Indian tribe or*
 19 *pueblo, temporarily close to general public use 1*
 20 *or more specific areas of the Preserve to protect*
 21 *traditional cultural and customary uses in the*
 22 *area by members of the Indian tribe or pueblo.*

23 (3) *PROHIBITION ON MOTORIZED ACCESS.—The*
 24 *Secretary shall maintain prohibitions on the use of*
 25 *motorized or mechanized travel on Preserve land lo-*

1 *cated adjacent to the Santa Clara Indian Reserva-*
 2 *tion, to the extent the prohibition was in effect on the*
 3 *date of enactment of this Act.*

4 *(k) CALDERA RIM TRAIL.—*

5 *(1) IN GENERAL.—Not later than 3 years after*
 6 *the date of enactment of this Act, the Secretary, in*
 7 *consultation with the Secretary of Agriculture, af-*
 8 *ected Indian tribes and pueblos, and the public, shall*
 9 *study the feasibility of establishing a hiking trail*
 10 *along the rim of the Valles Caldera on—*

11 *(A) land within the Preserve; and*

12 *(B) National Forest System land that is ad-*
 13 *acent to the Preserve.*

14 *(2) AGREEMENTS.—On the request of an affected*
 15 *Indian tribe or pueblo, the Secretary and the Sec-*
 16 *retary of Agriculture shall seek to enter into an agree-*
 17 *ment with the Indian tribe or pueblo with respect to*
 18 *the Caldera Rim Trail that provides for the protec-*
 19 *tion of—*

20 *(A) cultural and religious sites in the vicin-*
 21 *ity of the trail; and*

22 *(B) the privacy of adjacent pueblo land.*

23 *(l) VALID EXISTING RIGHTS.—Nothing in this Act af-*
 24 *fects valid existing rights.*

1 **SEC. 4. TRANSFER OF ADMINISTRATIVE JURISDICTION.**

2 (a) *IN GENERAL.*—*Administrative jurisdiction over*
 3 *the Preserve is transferred from the Secretary of Agriculture*
 4 *and the Trust to the Secretary, to be administered as a unit*
 5 *of the National Park System, in accordance with section*
 6 *3.*

7 (b) *EXCLUSION FROM SANTA FE NATIONAL FOR-*
 8 *EST.*—*The boundaries of the Santa Fe National Forest are*
 9 *modified to exclude the Preserve.*

10 (c) *INTERIM MANAGEMENT.*—

11 (1) *MEMORANDUM OF AGREEMENT.*—*Not later*
 12 *than 90 days after the date of enactment of this Act,*
 13 *the Secretary and the Trust shall enter into a memo-*
 14 *randum of agreement to facilitate the orderly transfer*
 15 *to the Secretary of the administration of the Preserve.*

16 (2) *EXISTING MANAGEMENT PLANS.*—*Notwith-*
 17 *standing the repeal made by section 5(a), until the*
 18 *date on which the Secretary completes a management*
 19 *plan for the Preserve in accordance with section*
 20 *3(b)(3), the Secretary may administer the Preserve in*
 21 *accordance with any management activities or plans*
 22 *adopted by the Trust under the Valles Caldera Preser-*
 23 *vation Act (16 U.S.C. 698v et seq.), to the extent the*
 24 *activities or plans are consistent with section 3(b)(1).*

25 (3) *PUBLIC USE.*—*The Preserve shall remain*
 26 *open to public use during the interim management*

1 *period, subject to such terms and conditions as the*
 2 *Secretary determines to be appropriate.*

3 *(d) VALLES CALDERA TRUST.—*

4 *(1) TERMINATION.—The Trust shall terminate*
 5 *180 days after the date of enactment of this Act unless*
 6 *the Secretary determines that the termination date*
 7 *should be extended to facilitate the transitional man-*
 8 *agement of the Preserve.*

9 *(2) ASSETS AND LIABILITIES.—*

10 *(A) ASSETS.—On termination of the*
 11 *Trust—*

12 *(i) all assets of the Trust shall be*
 13 *transferred to the Secretary; and*

14 *(ii) any amounts appropriated for the*
 15 *Trust shall remain available to the Sec-*
 16 *retary for the administration of the Pre-*
 17 *serve.*

18 *(B) ASSUMPTION OF OBLIGATIONS.—*

19 *(i) IN GENERAL.—On termination of*
 20 *the Trust, the Secretary shall assume all*
 21 *contracts, obligations, and other liabilities*
 22 *of the Trust.*

23 *(ii) NEW LIABILITIES.—*

24 *(I) BUDGET.—Not later than 90*
 25 *days after the date of enactment of this*

1 *Act, the Secretary and the Trust shall*
 2 *prepare a budget for the interim man-*
 3 *agement of the Preserve.*

4 (II) *WRITTEN CONCURRENCE RE-*
 5 *QUIRED.—The Trust shall not incur*
 6 *any new liabilities not authorized in*
 7 *the budget prepared under subclause*
 8 *(I) without the written concurrence of*
 9 *the Secretary.*

10 (3) *PERSONNEL.—*

11 (A) *HIRING.—The Secretary and the Sec-*
 12 *retary of Agriculture may hire employees of the*
 13 *Trust on a noncompetitive basis for comparable*
 14 *positions at the Preserve or other areas or offices*
 15 *under the jurisdiction of the Secretary or the*
 16 *Secretary of Agriculture.*

17 (B) *SALARY.—Any employees hired from*
 18 *the Trust under subparagraph (A) shall be sub-*
 19 *ject to the provisions of chapter 51, and sub-*
 20 *chapter III of chapter 53, title 5, United States*
 21 *Code, relating to classification and General*
 22 *Schedule pay rates.*

23 (C) *INTERIM RETENTION OF ELIGIBLE EM-*
 24 *PLOYEES.—For a period of not less than 180*

1 *days beginning on the date of enactment of this*
 2 *Act, all eligible employees of the Trust shall be—*

3 *(i) retained in the employment of the*
 4 *Trust;*

5 *(ii) considered to be placed on detail to*
 6 *the Secretary; and*

7 *(iii) subject to the direction of the Sec-*
 8 *retary.*

9 *(D) TERMINATION FOR CAUSE.—Nothing in*
 10 *this paragraph precludes the termination of em-*
 11 *ployment of an eligible employee for cause dur-*
 12 *ing the period described in subparagraph (C).*

13 *(4) RECORDS.—The Secretary shall have access*
 14 *to all records of the Trust pertaining to the manage-*
 15 *ment of the Preserve.*

16 *(5) VALLES CALDERA FUND.—*

17 *(A) IN GENERAL.—Effective on the date of*
 18 *enactment of this Act, the Secretary shall assume*
 19 *the powers of the Trust over the Fund.*

20 *(B) AVAILABILITY AND USE.—Any amounts*
 21 *in the Fund as of the date of enactment of this*
 22 *Act shall be available to the Secretary for use,*
 23 *without further appropriation, for the manage-*
 24 *ment of the Preserve.*

1 **SEC. 5. REPEAL OF VALLES CALDERA PRESERVATION ACT.**

2 (a) *REPEAL.*—On the termination of the Trust, the
3 *Valles Caldera Preservation Act* (16 U.S.C. 698v et seq.)
4 *is repealed.*

5 (b) *EFFECT OF REPEAL.*—Notwithstanding the repeal
6 *made by subsection (a)—*

7 (1) *the authority of the Secretary of Agriculture*
8 *to acquire mineral interests under section 104(e) of*
9 *the Valles Caldera Preservation Act* (16 U.S.C. 698v–
10 *2(e)) is transferred to the Secretary and any pro-*
11 *ceeding for the condemnation of, or payment of com-*
12 *ensation for, an outstanding mineral interest pursu-*
13 *ant to the transferred authority shall continue;*

14 (2) *the provisions in section 104(g) of the Valles*
15 *Caldera Preservation Act* (16 U.S.C. 698v–2(g)) *relat-*
16 *ing to the Pueblo of Santa Clara shall remain in ef-*
17 *fect; and*

18 (3) *the Fund shall not be terminated until all*
19 *amounts in the Fund have been expended by the Sec-*
20 *retary.*

21 (c) *BOUNDARIES.*—The repeal of the *Valles Caldera*
22 *Preservation Act* (16 U.S.C. 698v et seq.) *shall not affect*
23 *the boundaries as of the date of enactment of this Act (in-*
24 *cluding maps and legal descriptions) of—*

25 (1) *the Preserve;*

- 1 (2) *the Santa Fe National Forest (other than the*
2 *modification made by section 4(b));*
3 (3) *Bandelier National Monument; and*
4 (4) *any land conveyed to the Pueblo of Santa*
5 *Clara.*

6 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

7 *There are authorized to be appropriated such sums as*
8 *are necessary to carry out this Act.*

Calendar No. 607

11TH CONGRESS
2^D Session

S. 3452

[Report No. 111-321]

A BILL

To designate the Valles Caldera National Preserve as a unit of the National Park System, and for other purposes.

SEPTEMBER 27, 2010

Reported with an amendment