

and subject to the availability of appropriations under section 698v-9(a) of this title, the Secretary shall provide presuppression and nonemergency rehabilitation and restoration services for the Trust at any time on a reimbursable basis.

(Pub. L. 106-248, title I, §108, July 25, 2000, 114 Stat. 607; Pub. L. 109-54, title IV, §432(a), Aug. 2, 2005, 119 Stat. 556; Pub. L. 109-132, §4, Dec. 20, 2005, 119 Stat. 2571.)

REFERENCES IN TEXT

The Forest and Rangeland Renewable Resources Planning Act of 1974, referred to in subsec. (f)(1), is Pub. L. 93-378, Aug. 17, 1974, 88 Stat. 476, as amended, which is classified generally to subchapter I (§1600 et seq.) of chapter 36 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1600 of this title and Tables.

The American Indian Religious Freedom Act, referred to in subsec. (f)(5), is Pub. L. 95-341, Aug. 11, 1978, 92 Stat. 469, as amended, which is classified to sections 1996 and 1996a of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1996 of Title 42 and Tables.

CODIFICATION

“Section 1302 of title 40” substituted in subsec. (c)(1) for “section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

2005—Subsec. (c)(3). Pub. L. 109-132, §4(a), designated existing provisions as subpars. (A) to (C), inserted subpar. headings, in subpar. (C), substituted “The easement” for “Any such easement”, and added subpar. (D).

Subsec. (g). Pub. L. 109-54, §432(a)(3), and Pub. L. 109-132, §4(b)(3), which both directed amendment of subsec. (g) by substituting slightly different pars. (2) for “At the request of the Trust, the Secretary may provide fire presuppression, fire suppression, and rehabilitation services: *Provided*, That the Trust shall reimburse the Secretary for salaries and expenses of fire management personnel, commensurate with services provided.” at end, were executed by adding the par. (2) from Pub. L. 109-132 first and the par. (2) from Pub. L. 109-54 second.

Pub. L. 109-54, §432(a)(1), (2), and Pub. L. 109-132, §4(b)(1), (2), amended subsec. (g) identically inserting par. (1) designation and heading at beginning of subsec., subpar. (A) designation and heading at beginning of first sentence, and subpar. (B) designation and heading at beginning of second sentence.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-54, title IV, §432(b), Aug. 2, 2005, 119 Stat. 557, provided that: “The amendments made by subsection (a) [amending this section] take effect as of January 1, 2005.”

§ 698v-7. Authorities of the Secretary

(a) In general

Notwithstanding the assumption of management of the Preserve by the Trust, the Secretary is authorized to—

(1) issue any rights-of-way, as defined in the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.], of over 10 years duration, in cooperation with the Trust, including, but not limited to, road and utility rights-of-way, and communication sites;

(2) issue orders under and enforce prohibitions generally applicable on other units of

the National Forest System, in cooperation with the Trust;

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

(4) acquire the mineral rights referred to in section 698v-2(e) of this title;

(5) provide law enforcement and fire management services under section 698v-6(g) of this title;

(6) at the request of the Trust, exchange land or interests in land within the Preserve under laws generally applicable to other units of the National Forest System, or otherwise dispose of land or interests in land within the Preserve under sections 521c through 521i of this title;

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

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

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

(10) conduct the assessment of the Trust's performance, and, if the Secretary determines it necessary, recommend to Congress the termination of the Trust, under section 698v-8(b)(2) of this title; and

(11) conduct such other activities for which express authorization is provided to the Secretary by sections 698v to 698v-10 of this title.

(b) Interim management

(1) In general

The Secretary shall manage the Preserve in accordance with sections 698v to 698v-10 of this title during the interim period from the date of acquisition of the Baca ranch under section 698v-2(a) of this title to the date of assumption of management of the Preserve by the Trust under section 698v-6 of this title. The Secretary may enter into any agreement, lease, contract, or other arrangement on the same basis as the Trust under section 698v-6(c)(1) of this title: *Provided*, That any agreement, lease, contract, or other arrangement entered into by the Secretary shall not exceed two years in duration unless expressly extended by the Trust upon its assumption of management of the Preserve.

(2) Use of the fund

All monies received by the Secretary from the management of the Preserve during the interim period under paragraph (1) shall be deposited into the “Valles Caldera Fund” established under section 698v-4(h)(2) of this title, and such monies in the fund shall be available to the Secretary, without further appropriation, for the purpose of managing the Preserve in accordance with the responsibilities and authorities provided to the Trust under section 698v-6 of this title.

(c) Secretarial authority

The Secretary retains the authority to suspend any decision of the Board with respect to

the management of the Preserve if he finds that the decision is clearly inconsistent with sections 698v to 698v-10 of this title. Such authority shall only be exercised personally by the Secretary, and may not be delegated. Any exercise of this authority shall be in writing to the Board, and notification of the decision shall be given to the Committees of Congress. Any suspended decision shall be referred back to the Board for reconsideration.

(d) Access

The Secretary shall at all times have access to the Preserve for administrative purposes.

(Pub. L. 106-248, title I, §109, July 25, 2000, 114 Stat. 610.)

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (a)(1), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

The Wild and Scenic Rivers Act, referred to in subsec. (a)(3), is Pub. L. 90-542, Oct. 2, 1968, 82 Stat. 906, as amended, which is classified generally to chapter 28 (§1271 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1271 of this title and Tables.

The Federal Power Act, referred to in subsec. (a)(3), is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, which is classified generally to chapter 12 (§791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

§ 698v-8. Termination of the Trust

(a) In general

The Valles Caldera Trust shall terminate at the end of the twentieth full fiscal year following acquisition of the Baca ranch under section 698v-2(a) of this title.

(b) Recommendations

(1) Board

(A) If after the fourteenth full fiscal years¹ from the date of acquisition of the Baca ranch under section 698v-2(a) of this title, the Board believes the Trust has met the goals and objectives of the comprehensive management program under section 698v-6(d) of this title, but has not become financially self-sustaining, the Board may submit to the Committees of Congress, a recommendation for authorization of appropriations beyond that provided under sections 698v to 698v-10 of this title.

(B) During the eighteenth full fiscal year from the date of acquisition of the Baca ranch under section 698v-2(a) of this title, the Board shall submit to the Secretary its recommendation that the Trust be either extended or terminated including the reasons for such recommendation.

(2) Secretary

Within 120 days after receipt of the recommendation of the Board under paragraph (1)(B), the Secretary shall submit to the Committees of Congress the Board's recommenda-

tion on extension or termination along with the recommendation of the Secretary with respect to the same and stating the reasons for such recommendation.

(c) Effect of termination

In the event of termination of the Trust, the Secretary shall assume all management and administrative functions over the Preserve, and it shall thereafter be managed as a part of the Santa Fe National Forest, subject to all laws applicable to the National Forest System.

(d) Assets

In the event of termination of the Trust, all assets of the Trust shall be used to satisfy any outstanding liabilities, and any funds remaining shall be transferred to the Secretary for use, without further appropriation, for the management of the Preserve.

(e) Valles Caldera Fund

In the event of termination, the Secretary shall assume the powers of the Trust over funds under section 698v-4(h) of this title, and the Valles Caldera Fund shall not terminate. Any balances remaining in the fund shall be available to the Secretary, without further appropriation, for any purpose consistent with the purposes of sections 698v to 698v-10 of this title.

(Pub. L. 106-248, title I, §110, July 25, 2000, 114 Stat. 611.)

§ 698v-9. Limitations on funding

(a) Authorization of appropriations

There is hereby authorized to be appropriated to the Secretary and the Trust such funds as are necessary for them to carry out the purposes of sections 698v to 698v-10 of this title for each of the 15 full fiscal years after the date of acquisition of the Baca ranch under section 698v-2(a) of this title.

(b) Schedule of appropriations

Within two years after the first meeting of the Board, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing appropriated funds that will achieve, at a minimum, the financially self-sustained operation of the Trust within 15 full fiscal years after the date of acquisition of the Baca ranch under section 698v-2(a) of this title.

(Pub. L. 106-248, title I, §111, July 25, 2000, 114 Stat. 612.)

§ 698v-10. Government Accountability Office study

(a) Initial study

Three years after the assumption of management by the Trust, the Government Accountability Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall include, but shall not be limited to, details of programs and activities operated by the Trust and whether it met its obligations under sections 698v to 698v-10 of this title.

(b) Second study

Seven years after the assumption of management by the Trust, the Government Account-

¹ So in original. Probably should be "year".