

of advertisement, or in any manner that may falsely suggest any connection with the Trust.

(Pub. L. 106-248, title I, §106, July 25, 2000, 114 Stat. 603; Pub. L. 109-132, §2(b)-(d), Dec. 20, 2005, 119 Stat. 2570, 2571.)

AMENDMENTS

2005—Subsec. (e)(4). Pub. L. 109-132, §2(b), added par. (4).

Subsec. (g). Pub. L. 109-132, §2(c), substituted “The members of the Board of Trustees, the executive director, and one additional employee of the Trust in an executive position designated by the Board of Trustees or the executive director may solicit” for “The Trust may solicit”.

Subsec. (h)(1). Pub. L. 109-132, §2(d), substituted “subsection (g) of this section, from claims, judgments, or settlements arising from activities occurring on the Baca Ranch or the Preserve after October 27, 1999,” for “subsection (g) of this section”.

§ 698v-5. Board of Trustees

(a) In general

The Trust shall be governed by a 9-member Board of Trustees consisting of the following:

(1) Voting trustees

The voting Trustees shall be—

(A) the Supervisor of the Santa Fe National Forest, United States Forest Service;

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

(C) seven individuals, appointed by the President, in consultation with the congressional delegation from the State of New Mexico. The seven individuals shall have specific expertise or represent an organization or government entity as follows—

(i) one trustee shall have expertise in aspects of domesticated livestock management, production, and marketing, including range management and livestock business management;

(ii) one trustee shall have expertise in the management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities;

(iii) one trustee shall have expertise in the sustainable management of forest lands for commodity and noncommodity purposes;

(iv) one trustee shall be active in a non-profit conservation organization concerned with the activities of the Forest Service;

(v) one trustee shall have expertise in financial management, budget and program analysis, and small business operations;

(vi) one trustee shall have expertise in the cultural and natural history of the region; and

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

(2) Qualifications

Of the trustees appointed by the President—

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

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

(b) Initial appointments

The President shall make the initial appointments to the Board of Trustees within 90 days after acquisition of the Baca ranch under section 698v-2(a) of this title.

(c) Terms

(1) In general

Appointed trustees shall each serve a term of 4 years, except that of the trustees first appointed, four shall serve for a term of 4 years, and three shall serve for a term of 2 years.

(2) Vacancies

Any vacancy among the appointed trustees shall be filled in the same manner in which the original appointment was made, and any trustee appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed.

(3) Limitations

No appointed trustee may serve more than 8 years in consecutive terms.

(d) Quorum

A majority of trustees shall constitute a quorum of the Board for the conduct of business.

(e) Organization and compensation

(1) In general

The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the activities of the Trust.

(2) Compensation of trustees

Except as provided in paragraph (3), trustees shall serve without pay, but may be reimbursed from the funds of the Trust for the actual and necessary travel and subsistence expenses incurred by them in the performance of their duties.

(3) Chair

(A) Selection

Trustees shall select a chair from the membership of the Board.

(B) Compensation

On request of the chair, the chair may be compensated at a rate determined by the Board of Trustees, but not to exceed the daily equivalent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5 for each day (including travel time) in which the chair is engaged in the performance of duties of the Board of Trustees.

(C) Maximum rate of pay

The total amount of compensation paid to the chair for a fiscal year under subparagraph (B) shall not exceed 25 percent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5.

(f) Liability of trustees

Appointed trustees shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act, the Ethics in Government Act, and the provisions of chapter 11 of title 18.

(g) Meetings**(1) Location and timing of meetings**

The Board shall meet in sessions open to the public at least three times per year in New Mexico. Upon a majority vote made in open session, and a public statement of the reasons therefore, the Board may close any other meetings to the public: *Provided*, That any final decision of the Board to adopt or amend the comprehensive management program under section 698v-6(d) of this title or to approve any activity related to the management of the land or resources of the Preserve shall be made in open public session.

(2) Public information

In addition to other requirements of applicable law, the Board shall establish procedures for providing appropriate public information and periodic opportunities for public comment regarding the management of the Preserve.

(Pub. L. 106-248, title I, §107, July 25, 2000, 114 Stat. 606; Pub. L. 109-132, §3, Dec. 20, 2005, 119 Stat. 2571.)

REFERENCES IN TEXT

The Federal Tort Claims Act, referred to in subsec. (f), is title IV of act Aug. 2, 1946, ch. 753, 60 Stat. 842, which was classified principally to chapter 20 (§§ 921, 922, 931-934, 941-946) of former Title 28, Judicial Code and Judiciary. Title IV of act Aug. 2, 1946, was substantially repealed and reenacted as sections 1346(b) and 2671 et seq. of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 646, 62 Stat. 992, the first section of which enacted Title 28. The Federal Tort Claims Act is also commonly used to refer to chapter 171 of Title 28, Judiciary and Judicial Procedure. For complete classification of title IV to the Code, see Tables. For distribution of former sections of Title 28 into the revised Title 28, see Table at the beginning of Title 28.

The Ethics in Government Act, referred to in subsec. (f), probably means the Ethics in Government Act of 1978, Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95-521 in the Appendix to Title 5, Government Organization and Employees, and Tables.

AMENDMENTS

2005—Subsec. (e)(2). Pub. L. 109-132, §3(1), substituted “Except as provided in paragraph (3), trustees” for “Trustees”.

Subsec. (e)(3). Pub. L. 109-132, §3(2), designated existing provisions as subpar. (A), inserted subpar. heading, and added subpars. (B) and (C).

COMPENSATION FOR TRUSTEES

Pub. L. 106-291, title II, Oct. 11, 2000, 114 Stat. 968, provided in part: “That notwithstanding the limitations of 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106-248) [16 U.S.C. 698v-5(e)(2)], for fiscal years 2001 and 2002, the members of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that they are engaged in the performance of the functions of the Board. Compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES-1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by them in the performance of their duties. Members of the Board who are officers or employees of the United States shall not receive any additional compensation by reason of service on the Board”.

§ 698v-6. Resource management**(a) Assumption of management**

The Trust shall assume all authority provided by sections 698v to 698v-10 of this title to manage the Preserve upon a determination by the Secretary, which to the maximum extent practicable shall be made within 60 days after the appointment of the Board, that—

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

(2) provision has been made for essential management services.

(b) Management responsibilities

Upon assumption of management of the Preserve under subsection (a) of this section, the Trust shall manage the land and resources of the Preserve and the use thereof including, but not limited to such activities as—

(1) administration of the operations of the Preserve;

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

(3) interpretation of the Preserve and its history for the public;

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

(5) maintenance, rehabilitation, repair, and improvement of property within the Preserve.

(c) Authorities**(1) In general**

The Trust shall develop programs and activities at the Preserve, and shall have the authority to negotiate directly and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including without limitation, entities of Federal, State, and local governments, and consultation with Indian tribes and Pueblos, as are necessary and appropriate to carry out its authorized activities or fulfill the purposes of sections 698v to 698v-10 of this title. Any such agreements may be entered into without regard to section 1302 of title 40.

(2) Procedures

The Trust shall establish procedures for entering into lease agreements and other agreements for the use and occupancy of facilities of the Preserve. The procedures shall ensure reasonable competition, and set guidelines for determining reasonable fees, terms, and conditions for such agreements.

(3) Limitations**(A) In general**

The Trust may not dispose of any real property in, or convey any water rights appurtenant to the Preserve.

(B) Maximum duration

The Trust may not convey any easement, or enter into any contract, lease, or other agreement related to use and occupancy of property within the Preserve for a period greater than 10 years.

(C) Termination

The easement, contract, lease, or other agreement shall provide that, upon termi-