

members of the Board of Trustees, the executive director, and 1 additional employee of the Trust in an executive position designated by the Board of Trustees or the executive director may solicit”.

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

### SEC. 3. BOARD OF TRUSTEES.

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

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

(2) in paragraph (3)—

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

“(A) **SELECTION.**—Trustees”; and

(B) by adding at the end the following:

“(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, United States Code, 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, United States Code.”.

### SEC. 4. RESOURCE MANAGEMENT.

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

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

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

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

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

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

“(C) **TERMINATION.**—The”; and

(4) by adding at the end the following:

“(D) **EXCLUSIONS.**—For the purposes of this paragraph, the disposal of real property does not include the sale or other disposal of forage, forest products, or marketable renewable resources.”.

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

(1) in the first sentence, by striking “The Secretary” and inserting the following:

“(1) **LAW ENFORCEMENT.**—

“(A) **IN GENERAL.**—The Secretary”;

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

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

(3) by striking “At the request of the Trust” and all that follows through the end of the paragraph and inserting the following:

“(2) **FIRE MANAGEMENT.**—

“(A) **NON-REIMBURSABLE SERVICES.**—

“(i) **DEVELOPMENT OF PLAN.**—The Secretary shall, in consultation with the Trust, develop a plan to carry out fire preparedness, suppression, and emergency rehabilitation services on the Preserve.

“(ii) **CONSISTENCY WITH MANAGEMENT PROGRAM.**—The plan shall be consistent with the management program developed pursuant to subsection (d).

“(iii) **COOPERATIVE AGREEMENT.**—To the extent generally authorized at other units of the National Forest System, the Secretary shall provide the services to be carried out pursuant to the plan under a cooperative agreement entered into between the Secretary and the Trust.

“(B) **REIMBURSABLE SERVICES.**—To the extent generally authorized at other units of the National Forest System, the Secretary may provide presuppression and non-emergency rehabilitation and restoration services for the Trust at any time on a reimbursable basis.”.

## FEDERAL LAND RECREATIONAL VISITOR PROTECTION ACT OF 2005

The Senate proceeded to consider the bill (S. 225) to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on recreational users of public land, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

(Strike the part shown in black brackets and insert the part printed in italic.)

S. 225

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

“[This Act may be cited as the “Federal Land Recreational Visitor Protection Act of 2005”.

### SEC. 2. DEFINITIONS.

[In this Act:

“(1) **PROGRAM.**—The term “program” means the avalanche protection program established under section 3(a).

“(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

### SEC. 3. AVALANCHE PROTECTION PROGRAM.

“(a) **ESTABLISHMENT.**—The Secretary shall establish a coordinated avalanche protection program—

“(1) to provide early identification of the potential for avalanches that could endanger the safety of recreational users of public land, including skiers, backpackers, snowboarders, and campers and visitors to units of the National Park System; and

“(2) to reduce the risks and mitigate the effects of avalanches on visitors, recreational users, neighboring communities, and transportation corridors.

“(b) **COORDINATION.**—

“(1) **IN GENERAL.**—In developing and implementing the program, the Secretary shall consult with the Secretary of Agriculture, and coordinate the program, to ensure adequate levels of protection for recreational users of public land under the jurisdiction of the Secretary, including units of the National Park System, National Recreation Areas, wilderness and backcountry areas, components of the National Wild and Scenic Rivers System, and other areas that are subject to the potential threat of avalanches.

“(2) **RESOURCES.**—In carrying out this section, the Secretary and the Secretary of Agriculture—

“(A) shall, to the maximum extent practicable, use the resources of the National Avalanche Center of the Forest Service; and

“(B) may use such other resources as the Secretary has available in the development and implementation of the program.

“(c) **ADVISORY COMMITTEE.**—

“(1) **IN GENERAL.**—The Secretary and the Secretary of Agriculture shall jointly estab-

lish an advisory committee to assist in the development and implementation of the program.

“(2) **MEMBERSHIP.**—

“(A) **IN GENERAL.**—The Advisory Committee shall consist of 11 members, appointed by the Secretaries, who represent authorized users of artillery, other military weapons, or weapons alternatives used for avalanche control.

“(B) **REPRESENTATIVES.**—The membership of the Advisory Committee shall include representatives of—

“(i) Federal land management agencies and concessionaires or permittees that are exposed to the threat of avalanches;

“(ii) State departments of transportation that have experience in dealing with the effects of avalanches; and

“(iii) Federal- or State-owned railroads that have experience in dealing with the effects of avalanches.

“(d) **CENTRAL DEPOSITORY.**—The Secretary, the Secretary of Agriculture, and the Secretary of the Army shall establish a central depository for weapons, ammunition, and parts for avalanche control purposes, including an inventory that can be made available to Federal and non-Federal entities for avalanche control purposes under the program.

“(e) **GRANTS.**—

“(1) **IN GENERAL.**—The Secretary and the Secretary of Agriculture may make grants to carry out projects and activities under the program—

“(A) to assist in the prevention, forecasting, detection, and mitigation of avalanches for the safety and protection of persons, property, and at-risk communities;

“(B) to maintain essential transportation and communications affected or potentially affected by avalanches;

“(C) to assist avalanche artillery users to ensure the availability of adequate supplies of artillery and other unique explosives required for avalanche control in or affecting—

“(i) units of the National Park System; and

“(ii) other Federal land used for recreation purposes; and

“(iii) adjacent communities, and essential transportation corridors, that are at risk of avalanches; and

“(D) to assist public or private persons and entities in conducting research and development activities for cost-effective and reliable alternatives to minimize reliance on military weapons for avalanche control.

“(2) **PRIORITY.**—For each fiscal year for which funds are made available under section 4, the Secretary shall give priority to projects and activities carried out in avalanche zones—

“(A) with a high frequency or severity of avalanches; or

“(B) in which deaths or serious injuries to individuals, or loss or damage to public facilities and communities, have occurred or are likely to occur.

“(f) **SURPLUS ORDINANCE.**—Section 549(c)(3) of title 40, United States Code, is amended—

“(1) in subparagraph (A), by striking “or” after the semicolon at the end;

“(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

“(3) by adding at the end the following:

“(C) in the case of surplus artillery ordinance that is suitable for avalanche control purposes, to a user of such ordinance.”.

### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

“[There is authorized to be appropriated to carry out this Act \$15,000,000 for each of fiscal years 2006 through 2010.]

### SEC. 1. SHORT TITLE.

*This Act may be cited as the “Federal Land Recreational Visitor Protection Act of 2005”.*

### SEC. 2. DEFINITIONS.

*In this Act:*

(1) **PROGRAM.**—The term “program” means the avalanche protection program established under section 3(a).

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

### SEC. 3. AVALANCHE PROTECTION PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary, in consultation with the Secretary of the Interior, shall establish a coordinated avalanche protection program—

(1) to provide early identification of the potential for avalanches that could endanger the safety of recreational users of public land, including skiers, backpackers, snowboarders, and campers and visitors to units of the National Park System; and

(2) to reduce the risks and mitigate the effects of avalanches on visitors, recreational users, neighboring communities, and transportation corridors.

(b) **COORDINATION.**—

(1) **IN GENERAL.**—In developing and implementing the program, the Secretary shall consult with the Secretary of the Interior, and coordinate the program, to ensure adequate levels of protection for recreational users of public land under the jurisdiction of the Secretary of the Interior, including units of the National Park System, National Recreation Areas, wilderness and backcountry areas, components of the National Wild and Scenic Rivers System, and other areas that are subject to the potential threat of avalanches.

(2) **RESOURCES.**—In carrying out this section, the Secretary and the Secretary of the Interior—

(A) shall, to the maximum extent practicable, use the resources of the National Avalanche Center of the Forest Service; and

(B) may use such other resources as the Secretary has available in the development and implementation of the program.

(c) **ADVISORY COMMITTEE.**—

(1) **IN GENERAL.**—The Secretary and the Secretary of the Interior shall jointly establish an advisory committee to assist in the development and implementation of the program.

(2) **MEMBERSHIP.**—

(A) **IN GENERAL.**—The Advisory Committee shall consist of 11 members, appointed by the Secretaries, who represent authorized users of artillery, other military weapons, or weapons alternatives used for avalanche control.

(B) **REPRESENTATIVES.**—The membership of the Advisory Committee shall include representatives of—

(i) Federal land management agencies and concessionaires or permittees that are exposed to the threat of avalanches;

(ii) State departments of transportation that have experience in dealing with the effects of avalanches; and

(iii) Federal- or State-owned railroads that have experience in dealing with the effects of avalanches.

(d) **CENTRAL DEPOSITORY.**—The Secretary, the Secretary of the Interior, and the Secretary of the Army shall establish a central depository for weapons, ammunition, and parts for avalanche control purposes, including an inventory that can be made available to Federal and non-Federal entities for avalanche control purposes under the program.

(e) **GRANTS.**—

(1) **IN GENERAL.**—The Secretary and the Secretary of the Interior may make grants to carry out projects and activities under the program—

(A) to assist in the prevention, forecasting, detection, and mitigation of avalanches for the safety and protection of persons, property, and at-risk communities;

(B) to maintain essential transportation and communications affected or potentially affected by avalanches;

(C) to assist avalanche artillery users to ensure the availability of adequate supplies of artillery and other unique explosives required for avalanche control in or affecting—

(i) units of the National Park System; and

(ii) other Federal land used for recreation purposes; and

(iii) adjacent communities, and essential transportation corridors, that are at risk of avalanches; and

(D) to assist public or private persons and entities in conducting research and development activities for cost-effective and reliable alternatives to minimize reliance on military weapons for avalanche control.

(2) **PRIORITY.**—For each fiscal year for which funds are made available under section 4, the Secretary shall give priority to projects and activities carried out in avalanche zones—

(A) with a high frequency or severity of avalanches; or

(B) in which deaths or serious injuries to individuals, or loss or damage to public facilities and communities, have occurred or are likely to occur.

(f) **SURPLUS ORDINANCE.**—Section 549(c)(3) of title 40, United States Code, is amended—

(1) in subparagraph (A), by striking “or” after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(C) in the case of surplus artillery ordinance that is suitable for avalanche control purposes, to a user of such ordinance.”.

### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$15,000,000 for each of fiscal years 2006 through 2010.

Amend the title so as to read: “A bill to direct the Secretary of Agriculture to undertake a program to reduce the risks from and mitigate the effects of avalanches on recreational users of public land.”.

The Committee amendment in the nature of a substitute was agreed to.

The bill (S. 225), as amended, was read the third time and passed.

## OJITO WILDERNESS ACT

The Senate proceeded to consider the bill (S. 156) to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Ojito Wilderness Act”.

### SEC. 2. DEFINITIONS.

In this Act:

(1) **MAP.**—The term “map” means the map entitled “Ojito Wilderness Act” and dated October 1, 2004.

(2) **PUEBLO.**—The term “Pueblo” means the Pueblo of Zia.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

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

### SEC. 3. DESIGNATION OF THE OJITO WILDERNESS.

(a) **IN GENERAL.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is hereby designated as wilderness, and, therefore, as a component of the National Wilderness Preservation System, certain land in the Albuquerque District-Bureau of Land Management, New Mexico, which [comprise] comprises approximately 11,183 acres, as generally depicted on the map, and which shall be known as the “Ojito Wilderness”.

(b) **MAP AND LEGAL DESCRIPTION.**—The map and a legal description of the wilderness area designated by this Act shall—

(1) be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives as soon as practicable after the date of enactment of this Act;

(2) have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and map; and

(3) be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) **MANAGEMENT OF WILDERNESS.**—Subject to valid existing rights, the wilderness area designated by this Act shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to the wilderness area designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(d) **MANAGEMENT OF NEWLY ACQUIRED LAND.**—If acquired by the United States, the following land shall become part of the wilderness area designated by this Act and shall be managed in accordance with this Act and other applicable law:

(1) Section 12 of township 15 north, range 01 west, New Mexico Principal Meridian.

(2) Any land within the boundaries of the wilderness area designated by this Act.

(e) **MANAGEMENT OF LANDS TO BE ADDED.**—The lands generally depicted on the map as “Lands to be Added” shall become part of the wilderness area designated by this Act if the United States acquires, or alternative adequate access is available to, section 12 of township 15 north, range 01 west, New Mexico Principal Meridian.

(f) **RELEASE.**—The Congress hereby finds and directs that the lands generally depicted on the map as “Lands to be Released” have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) and no longer are subject to the requirement of section 603(c) of such Act (43 U.S.C. 1782(c)) pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(g) **GRAZING.**—Grazing of livestock in the wilderness area designated by this Act, where established before the date of enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the One Hundred First Congress (H. Rept. 101-405).

(h) **FISH AND WILDLIFE.**—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

(i) **WATER RIGHTS.**—

(1) **FINDINGS.**—Congress finds that—

(A) the land designated as wilderness by this Act is arid in nature and is generally not suitable for use or development of new water resource facilities; and

(B) because of the unique nature and hydrology of the desert land designated as wilderness by this Act, it is possible to provide