

(Pub. L. 105-277, div. A, §101(e) [title V, §531], Oct. 21, 1998, 112 Stat. 2681-231, 2681-317.)

PART C—TRANSFER PROVISIONS

§ 460III-41. Effective date of transfer

Effective on October 1 of the first fiscal year for which Congress does not appropriate to the Tennessee Valley Authority at least \$6,000,000 for the Recreation Area, or, if this subchapter is enacted during a fiscal year for which Congress has not made such an appropriation, effective as of October 21, 1998, administrative jurisdiction over the Recreation Area is transferred from the Tennessee Valley Authority to the Secretary.

(Pub. L. 105-277, div. A, §101(e) [title V, §541], Oct. 21, 1998, 112 Stat. 2681-231, 2681-318.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this Act” and was translated as meaning section 101(e) of div. A of Pub. L. 105-277, Oct. 21, 1998, 112 Stat. 2681-231, known as the Department of the Interior and Related Agencies Appropriations Act, 1999. For complete classification of this Act to the Code, see Tables.

§ 460III-42. Statement of policy

It is the policy of the United States that, to the maximum extent practicable—

(1) the transfer of jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary should be effected in an efficient and cost-effective manner; and

(2) due consideration should be given to minimizing—

(A) disruption of the personal lives of the Tennessee Valley Authority and Forest Service employees; and

(B) adverse impacts on permittees, contractees, and others owning or operating businesses affected by the transfer.

(Pub. L. 105-277, div. A, §101(e) [title V, §542], Oct. 21, 1998, 112 Stat. 2681-231, 2681-318.)

§ 460III-43. Memorandum of agreement

(a) In general

Not later than 30 days after the date of transfer pursuant to section 460III-41 of this title, the Secretary and the Tennessee Valley Authority shall enter into a memorandum of agreement concerning implementation of this subchapter.

(b) Provisions

The memorandum of understanding shall provide procedures for—

(1) the orderly withdrawal of officers and employees of the Tennessee Valley Authority;

(2) the transfer of property, fixtures, and facilities;

(3) the interagency transfer of officers and employees;

(4) the transfer of records; and

(5) other transfer issues.

(c) Transition team

(1) In general

The memorandum of understanding may provide for a transition team consisting of the Tennessee Valley Authority and Forest Service employees.

(2) Duration

The team may continue in existence after the date of transfer.

(3) Personnel costs

The Tennessee Valley Authority and the Forest Service shall pay personnel costs of their respective team members.

(Pub. L. 105-277, div. A, §101(e) [title V, §543], Oct. 21, 1998, 112 Stat. 2681-231, 2681-318.)

§ 460III-44. Records

(a) Recreation Area records

The Secretary shall have access to all records of the Tennessee Valley Authority pertaining to the management of the Recreation Area.

(b) Personnel records

The Tennessee Valley Authority personnel records shall be made available to the Secretary, on request, to the extent the records are relevant to Forest Service administration.

(c) Confidentiality

The Tennessee Valley Authority may prescribe terms and conditions on the availability of records to protect the confidentiality of private or proprietary information.

(d) Land title records

The Tennessee Valley Authority shall provide to the Secretary original records pertaining to land titles, surveys, and other records pertaining to transferred personal property and facilities.

(Pub. L. 105-277, div. A, §101(e) [title V, §544], Oct. 21, 1998, 112 Stat. 2681-231, 2681-318.)

§ 460III-45. Transfer of personal property

(a) Subject property

(1) Inventory

Not later than 60 days after the date of transfer pursuant to section 460III-41 of this title, the Tennessee Valley Authority shall provide the Secretary with an inventory of all property and facilities at the Recreation Area.

(2) Availability for transfer

(A) In general

All Tennessee Valley Authority property associated with the administration of the Recreation Area, including any property purchased with Federal funds appropriated for the management of the Tennessee Valley Authority land, shall be available for transfer to the Secretary.

(B) Property included

Property under subparagraph (A) includes buildings, office furniture and supplies, computers, office equipment, buildings, vehicles, tools, equipment, maintenance supplies, boats, engines, and publications.

(3) Exclusion of property

At the request of the authorized representative of the Tennessee Valley Authority, the Secretary may exclude movable property from transfer based on a showing by the Tennessee Valley Authority that the property is vital to

the mission of the Tennessee Valley Authority and cannot be replaced in a cost-effective manner, if the Secretary determines that the property is not needed for management of the Recreation Area.

(b) Designation

Pursuant to such procedures as may be prescribed in the memorandum of agreement entered into under section 460III-43 of this title, the Secretary shall identify and designate, in writing, all Tennessee Valley Authority property to be transferred to the Secretary.

(c) Facilitation of transfer

The Tennessee Valley Authority shall, to the maximum extent practicable, use current personnel to facilitate the transfer of necessary property and facilities to the Secretary, including replacement of signs and insignia, repainting of vehicles, printing of public information, and training of new personnel. Funding for these costs shall be derived from funding described in section 460III-49 of this title.

(d) Surplus property

(1) Disposition

Any personal property, including structures and facilities, that the Secretary determines cannot be efficiently managed and maintained either by the Forest Service or by lease or permit to other persons may be declared excess by the Secretary and—

(A) sold by the Secretary on such terms and conditions as the Secretary may prescribe to achieve the maximum benefit to the Federal Government; or

(B) disposed of under chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(2) Deposit of proceeds

All net proceeds from the disposal of any property shall be deposited into the Fund established by section 460III-31 of this title.

(Pub. L. 105-277, div. A, §101(e) [title V, §545], Oct. 21, 1998, 112 Stat. 2681-231, 2681-319.)

CODIFICATION

In subsec. (d)(1)(B), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 460III-46. Compliance with environmental laws

(a) Documentation of existing conditions

(1) In general

Not later than 60 days after the date of transfer pursuant to section 460III-41 of this title, the Chairman and the Administrator shall provide the Secretary all documentation and information that exists on the environmental condition of the land and waters comprising the Recreation Area property.

(2) Additional documentation

The Chairman and the Administrator shall provide the Secretary with any additional docu-

mentation and information regarding the environmental condition of the Recreation Area property as such documentation and information becomes available.

(b) Action required

(1) Assessment

Not later than 120 days after the date of transfer pursuant to section 460III-41 of this title, the Chairman shall provide to the Secretary an assessment indicating what action, if any, is required under any environmental law on Recreation Area property.

(2) Memorandum of understanding

If the assessment concludes action is required under any environmental law with respect to any portion of the Recreation Area property, the Secretary and the Chairman shall enter into a memorandum of understanding that—

(A) provides for the performance by the Chairman of the required actions identified in the assessment; and

(B) includes a schedule providing for the prompt completion of the required actions to the satisfaction of the Secretary.

(c) Documentation demonstrating action

On the transfer of jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary, the Chairman shall provide the Secretary with documentation demonstrating that all actions required under any environmental law have been taken, including all response actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that are necessary to protect human health and the environment with respect to any hazardous substance, pollutant, contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product on Recreation Area property.

(d) Continuation of responsibilities and liabilities

(1) In general

The transfer of the Recreation Area property under this subchapter, and the requirements of this section, shall not in any way affect the responsibilities and liabilities of the Tennessee Valley Authority at the Recreation Area under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or any other environmental law.

(2) Access

After transfer of the Recreation Area property, the Chairman shall be accorded any access to the property that may be reasonably required to carry out the responsibility or satisfy the liability referred to in paragraph (1).

(3) No liability

The Secretary shall not be liable under any environmental law for matters that are related directly or indirectly to present or past activities of the Tennessee Valley Authority on the Recreation Area property, including liability for—