

Recreation Area, including public solicitation of proposals.

(d) Existing authorizations

(1) In general

A permit or other authorization granted by the Tennessee Valley Authority that is in effect on the date of transfer pursuant to section 460III-41 of this title may continue on transfer of administration of the Recreation Area to the Secretary.

(2) Reissuance

A permit or authorization described in paragraph (1) may be reissued or terminated under terms and conditions prescribed by the Secretary.

(3) Exercise of rights

The Secretary may exercise any of the rights of the Tennessee Valley Authority contained in any permit or other authorization, including any right to amend, modify, and revoke the permit or authorization.

(Pub. L. 105-277, div. A, §101(e) [title V, §525], Oct. 21, 1998, 112 Stat. 2681-231, 2681-315.)

§ 460III-26. Cooperative authorities and gifts

(a) Fish and Wildlife Service

(1) Management

(A) In general

Subject to such terms and conditions as the Secretary may prescribe, the Secretary may issue a special use authorization to the United States Fish and Wildlife Service for the management by the Service of facilities and land agreed on by the Secretary and the Secretary of the Interior.

(B) Fees

(i) In general

Reasonable admission and use fees may be charged for all areas administered by the United States Fish and Wildlife Service.

(ii) Deposit

The fees shall be deposited in accordance with section 460III-24 of this title.

(2) Cooperation

The Secretary and the Secretary of the Interior may cooperate or act jointly on activities such as population monitoring and inventory of fish and wildlife with emphasis on migratory birds and endangered and threatened species, environmental education, visitor services, conservation demonstration projects and scientific research.

(3) Subordination of fish and wildlife activities to overall management

The management and use of areas and facilities under permit to the United States Fish and Wildlife Service as authorized pursuant to this section shall be subordinate to the overall management of the Recreation Area as directed by the Secretary.

(b) Authorities

For the management, maintenance, operation, and interpretation of the Recreation Area and its facilities, the Secretary may—

(1) make grants and enter into contracts and cooperative agreements with Federal agencies, governmental units, nonprofit organizations, corporations, and individuals; and

(2) accept gifts under section 2269 of title 7 notwithstanding that the donor conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

(Pub. L. 105-277, div. A, §101(e) [title V, §526], Oct. 21, 1998, 112 Stat. 2681-231, 2681-316.)

§ 460III-27. Designation of national recreation trail

Effective on the date of transfer pursuant to section 460III-41 of this title, the North-South Trail is designated as a national recreation trail under section 1243 of this title.

(Pub. L. 105-277, div. A, §101(e) [title V, §527], Oct. 21, 1998, 112 Stat. 2681-231, 2681-317.)

§ 460III-28. Cemeteries

The Secretary shall maintain an inventory of and ensure access to cemeteries within the Recreation Area for purposes of burial, visitation, and maintenance.

(Pub. L. 105-277, div. A, §101(e) [title V, §528], Oct. 21, 1998, 112 Stat. 2681-231, 2681-317.)

§ 460III-29. Resource management

(a) Minerals

(1) Withdrawal

The land within the Recreation Area is withdrawn from the operation of the mining and mineral leasing laws of the United States.

(2) Use of mineral materials

The Secretary may permit the use of common varieties of mineral materials for the development and maintenance of the Recreation Area.

(b) Hunting and fishing

(1) In general

The Secretary shall permit hunting and fishing on land and water under the jurisdiction of the Secretary within the boundaries of the Recreation Area in accordance with applicable laws of the United States and of each State, respectively.

(2) Prohibition

(A) In general

The Secretary may designate areas where, and establish periods when, hunting or fishing is prohibited for reasons of public safety, administration, or public use and enjoyment.

(B) Consultation

Except in emergencies, a prohibition under subparagraph (A) shall become effective only after consultation with the appropriate fish and game departments of the States.

(3) Fish and wildlife

Nothing in this subchapter affects the jurisdiction or responsibilities of the States with respect to wildlife and fish on national forests.

(Pub. L. 105-277, div. A, §101(e) [title V, §529], Oct. 21, 1998, 112 Stat. 2681-231, 2681-317.)

§ 460III-30. Hematite Dam

Within one year from the date of transfer pursuant to section 460III-41 of this title, the Tennessee Valley Authority shall cause any breach in the Hematite Dam to be repaired, or if such repairs have previously been made, the Tennessee Valley Authority shall certify in a letter to the Secretary the sound condition of the dam. Future repair costs and maintenance of the Hematite Dam shall be the responsibility of the Secretary.

(Pub. L. 105-277, div. A, §101(e) [title V, §530], Oct. 21, 1998, 112 Stat. 2681-231, 2681-317.)

§ 460III-31. Trust Fund

(a) Establishment

There is established in the Treasury of the United States a special interest-bearing fund known as the “Land Between the Lakes Trust Fund”.

(b) Availability

Amounts in the Fund shall be available to the Secretary, until expended, for—

- (1) public education, grants, and internships related to recreation, conservation, and multiple use land management in the Recreation Area; and
- (2) regional promotion in the Recreation Area, in cooperation with development districts, chambers of commerce, and State and local governments.

(c) Deposits

The Tennessee Valley Authority shall deposit into the Fund \$1,000,000 annually for each of the 5 fiscal years commencing in the first fiscal year of the transfer. Funding to carry out this section shall be derived from funding described in section 460III-49 of this title.

(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.