

(D) Period of service

Notwithstanding section 8411(b)(3) of title 5, except to the extent that an eligible employee may be otherwise compensated (including the provision of retirement benefits in accordance with the memorandum of understanding) for the period of service as an employee of the Tennessee Valley Authority, that period of service shall be treated as a period of service as an employee of the U.S. Department of Agriculture for all purposes relating to the Federal employment of the eligible employee.

(4) Eligible employees that are discharged not for cause**(A) Level of benefits**

The parties to the memorandum of understanding shall have authority to deem any applicable requirement to be met, to make payments to an employee, or take any other action necessary to provide to an eligible employee that is discharged as being excess to the needs of the Tennessee Valley Authority or the Secretary and not for cause and that does not accept an offer of employment from the Secretary, an optimum level of retirement and health benefits that is equivalent to the level that has been afforded employees discharged in previous reductions in force by the Tennessee Valley Authority.

(B) Minimum benefits

An eligible employee that is discharged as being excess to the needs of the Tennessee Valley Authority or the Secretary and not for cause shall, at a minimum be entitled to—

(i) at the option of the eligible employee—

(I) a lump-sum equal to \$1,000, multiplied by the number of years of service of the eligible employee (but not less than \$15,000 nor more than \$25,000);

(II) a lump-sum payment equal to the amount of pay earned by the eligible employee for the last 26 weeks of the eligible employee's service; or

(III) the deemed addition of 5 years to the age and the years of service of an eligible employee;

(ii) 15 months of health benefits for employees and dependents at the same level provided as of the date of transfer pursuant to section 460III-41 of this title;

(iii) 1 week of pay per year of service as provided by the Tennessee Valley Authority Retirement System;

(iv) a lump-sum payment of all accumulated annual leave;

(v) unemployment compensation in accordance with State law;

(vi) eligible pension benefits as provided by the Tennessee Valley Authority Retirement System; and

(vii) retraining assistance provided by the Tennessee Valley Authority.

(C) Shortfall

If the board of directors of the Tennessee Valley Authority Retirement System deter-

mines that the cost of providing the benefits described in subparagraphs (A) and (B) would have a negative impact on the overall retirement system, the Tennessee Valley Authority shall be required to meet any funding shortfalls.

(Pub. L. 105-277, div. A, §101(e) [title V, §547], Oct. 21, 1998, 112 Stat. 2681-231, 2681-321.)

§ 460III-48. Tennessee Valley Authority transfer costs

Any costs incurred by Tennessee Valley Authority associated with the transfer under this part shall be derived from funding described in section 460III-49 of this title.

(Pub. L. 105-277, div. A, §101(e) [title V, §548], Oct. 21, 1998, 112 Stat. 2681-231, 2681-325.)

§ 460III-49. Tennessee Valley Authority transfer funding**(a) In general**

The funding described in this section is funding derived from only 1 or more of the following sources:

(1) Nonpower fund balances and collections.

(2) Investment returns of the nonpower program.

(3) Applied programmatic savings in the power and nonpower programs.

(4) Savings from the suspension of bonuses and awards.

(5) Savings from reductions in memberships and contributions.

(6) Increases in collections resulting from nonpower activities, including user fees.

(7) Increases in charges to private and public utilities both investor and cooperatively owned, as well as to direct load customers.

(b) Availability

Funds from the sources described in subsection (a) shall be available notwithstanding section 11, 14, 15, or 29 [16 U.S.C. 831j, 831m, 831n, 831bb] or any other provision of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) or any provisions of the covenants contained in any power bonds issued by the Tennessee Valley Authority.

(c) Sufficiency of savings

The savings from and the revenue adjustment to the budget of the Tennessee Valley Authority for the first fiscal year of the transfer and each fiscal year thereafter shall be sufficient so that the net spending authority and resulting outlays to carry out activities with funding described in subsection (a) shall not exceed \$0 for the first fiscal year of the transfer and each fiscal year thereafter.

(d) Itemized list of reductions and increased receipts**(1) Proposed changes**

Not later than 30 days after the date of transfer pursuant to section 460III-41 of this title, the Chairman of the Tennessee Valley Authority shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate an itemized list of the amounts of

reductions in spending and increases in receipts that are proposed to be made as a result of activities under this subsection during the first fiscal year of the transfer.

(2) Actual changes

Not later than 24 months after the effective date of the transfer, the Chairman of the Tennessee Valley Authority shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate an itemized list of the amounts of reductions in spending and increases in receipts as a result of activities under this subsection during the first fiscal year of the transfer.

(Pub. L. 105-277, div. A, §101(e) [title V, §549], Oct. 21, 1998, 112 Stat. 2681-231, 2681-325.)

REFERENCES IN TEXT

The Tennessee Valley Authority Act of 1933, referred to in subsec. (b), is act May 18, 1933, ch. 32, 48 Stat. 58, as amended, which is classified generally to chapter 12A (§831 et seq.) of this title. For complete classification of this Act to the Code, see section 831 of this title and Tables.

PART D—FUNDING

§ 460III-61. Authorization of appropriations

(a) Agriculture

There are authorized to be appropriated to the Secretary of Agriculture such sums as are necessary to—

- (1) permit the Secretary to exercise administrative jurisdiction over the Recreation Area under this subchapter; and
- (2) administer the Recreation Area area as a unit of the National Forest System.

(b) Interior

There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to carry out activities within the Recreation Area.

(c) Use of funds

The Secretary of Agriculture may expend amounts appropriated or otherwise made available to carry out this subchapter in a manner consistent with the authorities exercised by the Tennessee Valley Authority before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, including campground management and visitor services, paid advertisement, and procurement of food and supplies for resale purposes.

(Pub. L. 105-277, div. A, §101(e) [title V, §551], Oct. 21, 1998, 112 Stat. 2681-231, 2681-326; Pub. L. 106-291, title II, Oct. 11, 2000, 114 Stat. 974; Pub. L. 107-63, title III, §335, Nov. 5, 2001, 115 Stat. 472; Pub. L. 108-108, title III, §334, Nov. 10, 2003, 117 Stat. 1312.)

AMENDMENTS

2003—Subsec. (c). Pub. L. 108-108 amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: “Until September 30, 2004, the Secretary of Agriculture may expend amounts appropriated or otherwise made available to carry out this subchapter in a manner consistent with the authorities exercised by the Tennessee Valley Authority, before

the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, regarding procurement of property, services, supplies, and equipment.”

2001—Subsec. (c). Pub. L. 107-63 substituted “2004” for “2002”.

2000—Subsec. (c). Pub. L. 106-291 added subsec. (c).

SUBCHAPTER CXXIV—MCINNIS CANYONS
NATIONAL CONSERVATION AREA

§ 460mmm. Findings and purpose

(a) Findings

Congress finds that certain areas located in the Grand Valley in Mesa County, Colorado, and Grand County, Utah, should be protected and enhanced for the benefit and enjoyment of present and future generations. These areas include the following:

- (1) The areas making up the Black Ridge and Ruby Canyons of the Grand Valley and Rabbit Valley, which contain unique and valuable scenic, recreational, multiple use opportunities (including grazing), paleontological, natural, and wildlife components enhanced by the rural western setting of the area, provide extensive opportunities for recreational activities, and are publicly used for hiking, camping, and grazing, and are worthy of additional protection as a national conservation area.
- (2) The Black Ridge Canyons Wilderness Study Area has wilderness value and offers unique geological, paleontological, scientific, and recreational resources.

(b) Purpose

The purpose of this subchapter is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important values of the public lands described in section 460mmm-2(b) of this title, including geological, cultural, paleontological, natural, scientific, recreational, environmental, biological, wilderness, wildlife education, and scenic resources of such public lands, by establishing the McInnis Canyons National Conservation Area and the Black Ridge Canyons Wilderness in the State of Colorado and the State of Utah.

(Pub. L. 106-353, §2, Oct. 24, 2000, 114 Stat. 1374; Pub. L. 108-400, §1(a), Oct. 30, 2004, 118 Stat. 2254.)

AMENDMENTS

2004—Subsec. (b). Pub. L. 108-400 substituted “McInnis Canyons” for “Colorado Canyons”.

CHANGE OF NAME

Pub. L. 108-400, §1(f), Oct. 30, 2004, 118 Stat. 2254, provided that: “Any reference in a law, map, regulation, document, paper, or other record of the United States to the ‘Colorado Canyons National Conservation Area’ shall be deemed to be a reference to the ‘McInnis Canyons National Conservation Area’.”

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-400, §1(g), Oct. 30, 2004, 118 Stat. 2254, provided that: “This section [amending this section and sections 460mmm-1, 460mmm-2, and 460mmm-6 of this title, enacting provisions set out as a note under this section, and amending provisions set out as a note under this section] and the amendments made by this section take effect on January 1, 2005.”

SHORT TITLE

Pub. L. 106-353, §1, Oct. 24, 2000, 114 Stat. 1374, as amended by Pub. L. 108-400, §1(e), Oct. 30, 2004, 118 Stat.