

the same manner as persons employed intermittently in the Government service are allowed travel expenses under section 5703 of title 5. Any Task Force member who is an employee of an agency or governmental unit and is eligible for travel expenses from that agency or unit for performing services for the Task Force is not eligible for travel expenses under this paragraph.

(2) Limitation on spending authority

No money authorized to be appropriated under section 460ss-5 of this title may be used to reimburse any agency or governmental unit (whose employees are Task Force members) for time spent by any such employee performing Task Force duties.

(j) Membership increase upon program expansion

At such time as the program is expanded to include portions of the Klamath River upstream from the Iron Gate dam, membership on the Task Force shall be increased to include the following—

(1) One individual who shall be appointed by the Commissioners of Klamath County, Oregon.

(2) A representative of the Klamath Tribe, who shall be appointed by the governing body of the Tribe.

(Pub. L. 99-552, §4, Oct. 27, 1986, 100 Stat. 3084; Pub. L. 100-580, §12(a), Oct. 31, 1988, 102 Stat. 2935; Pub. L. 100-653, title VI, §§601, 602(b), 603(1), Nov. 14, 1988, 102 Stat. 3829, 3830; Pub. L. 102-570, §2, Oct. 29, 1992, 106 Stat. 4490.)

AMENDMENTS

1992—Subsec. (j). Pub. L. 102-570 added subsec. (j).

1988—Subsec. (c). Pub. L. 100-580, §12(a)(A), substituted “14” for “12” in introductory provisions.

Subsec. (c)(11), (12). Pub. L. 100-580, §12(a)(B), added pars. (11) and (12).

Subsec. (f)(1). Pub. L. 100-653, §602(b), substituted “Procedures” for “Decisions of Task Force” as par. heading and amended text generally. Prior to amendment, text read as follows: “All decisions of the Task Force must be by unanimous vote of all the members.”

Subsec. (h). Pub. L. 100-653, §603(1), substituted “, the State of California, or the State of Oregon” for “or the State of California”.

Subsec. (i). Pub. L. 100-653, §601, substituted “Expenses” for “Limitation on spending authority” in heading and amended text generally, designating existing provisions as par. (2) and adding par. (1).

SPECIAL RULE

Pub. L. 100-580, §12(b), Oct. 31, 1988, 102 Stat. 2935, provided that: “The initial term of the representative appointed pursuant to section 4(c)(11) and (12) of such Act [16 U.S.C. 460ss-3(c)(11), (12)] (as added by the amendment made by subsection (a)) shall be for that time which is the remainder of the terms of the members of the Task Force then serving. Thereafter, the term of such representatives shall be as provided in section 4(e) of such Act.”

§ 460ss-4. Enforcement

(a) Memorandum of agreement¹

In order to strengthen and facilitate the enforcement of Area fishery harvesting regula-

¹ So in original. No subsec. (b) has been enacted.

tions, the Secretary shall enter into a memorandum of agreement with the California Department of Fish and Game. Such agreement shall specify the enforcement activities within the Area for which the respective agencies of the Department of² Interior and the California Department of Fish and Game are responsible and shall contain such provisions as are necessary to ensure the coordinated implementation of Federal and State enforcement activities.

(Pub. L. 99-552, §5, Oct. 27, 1986, 100 Stat. 3085.)

§ 460ss-5. Appropriations

(a) Authorization

There are authorized to be appropriated to the Department of the Interior during the period beginning October 1, 1986, and ending on September 30, 2006, \$21,000,000 for the design, construction, operation, and maintenance of the program and for the payment of travel expenses under sections 460ss-2(j) and 460ss-3(i) of this title. Monies appropriated under this subsection shall remain available until expended or October 1, 2006, whichever first occurs.

(b) Cost-sharing

(1) 50 percent of the cost of the development and implementation of the program must be provided by one or more non-Federal sources on a basis considered by the Secretary to be timely and appropriate. For purposes of this subsection, the term “non-Federal source” includes a State or local government, any private entity, and any individual.

(2) In addition to cash outlays, the Secretary shall consider as financial contributions by a non-Federal source the value of inkind contributions and real and personal property provided by the source for purposes of implementing the program. Valuations made by the Secretary under this paragraph are final and not subject to judicial review.

(3) For purposes of paragraph (2), inkind contributions may be in the form of, but are not limited to, personal services rendered by volunteers.

(4) The Secretary shall by regulation establish—

(A) the training, experience, and other qualifications which such volunteers must have in order for their services to be considered as inkind contributions; and

(B) the standards under which the Secretary will determine the value of inkind contributions and real and personal property for purposes of paragraph (2).

(5) The Secretary may not consider the expenditure, either directly or indirectly, with respect to the program of Federal moneys received by a State or local government to be a financial contribution by a non-Federal source to carry out the program.

(Pub. L. 99-552, §6, Oct. 27, 1986, 100 Stat. 3085; Pub. L. 100-653, title VI, §603(3), (4), Nov. 14, 1988, 102 Stat. 3830.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-653, §603(3), inserted “and for the payment of travel expenses under sections

² So in original. Probably should be “of the”.

460ss-2(j) and 460ss-3(i) of this title” before period at end of first sentence.

Subsec. (b)(3). Pub. L. 100-653, § 603(4), struck out “in carrying out surveys, censuses, and other scientific studies” after “volunteers”.

§ 460ss-6. Definitions

As used in this subchapter—

(1) The term “program” means the Klamath River Basin Conservation Area Restoration Program established under section 460ss-1(b) of this title.

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

(Pub. L. 99-552, § 7, Oct. 27, 1986, 100 Stat. 3086.)

SUBCHAPTER CV—CROSS FLORIDA NATIONAL CONSERVATION AREA

§ 460tt. Cross Florida Barge Canal

(a) Deauthorization

The barge canal project located between the Gulf of Mexico and the Atlantic Ocean (hereinafter in this section referred to as the “project”), as described in the Act of July 23, 1942 (56 Stat. 703), shall be deauthorized by operation of law immediately upon the Governor and Cabinet of the State of Florida adopting a resolution specifically agreeing on behalf of the State of Florida (hereinafter in this section referred to as the “State”) to all of the terms of the agreement prescribed in subsection (b).

(b) Transfer of project lands

Notwithstanding any other provision of law, the Secretary is, subject to the provisions of subsections (d) and (e), directed to transfer to the State all lands and interests in lands acquired by the Secretary and facilities completed for the project in subsection (a), without consideration, if the State agrees to each of the following:

(1) The State shall agree to hold the United States harmless from all claims arising from or through the operations of the lands and facilities conveyed by the United States.

(2) The State shall agree to preserve and maintain a greenway corridor which shall be open to the public for compatible recreation and conservation activities and which shall be continuous, except for areas referred to in subparagraphs (A) and (C) of this paragraph, along the project route over lands acquired by the Secretary or by the State or State Canal Authority, or lands acquired along the project route in the future by the State or State Canal Authority, to the maximum width possible, as determined in the management plan to be developed by the State for former project lands. Such greenway corridor shall not be less than 300 yards wide, except for the following areas:

(A) Any area of the project corridor where, as of November 28, 1990, no land is owned by the State or State Canal Authority.

(B) Any area of the project corridor where, as of November 28, 1990, the land owned by the State or State Canal Authority is less than 300 yards wide.

(C) Any area of the project corridor where a road or bridge crosses the project corridor.

(3) Consistent with paragraph (2) of this subsection, the State shall create a State park or

conservation/recreation area in the lands and interests in lands acquired for the project lying between the Atlantic Ocean and the western boundaries of sections 20 and 29, township 15 south, range 23 east.

(4) The State shall agree, consistent with paragraphs (2), (5) and (6) of this subsection, to preserve, enhance, interpret, and manage the water and related land resources of the area containing cultural, fish and wildlife, scenic, and recreational values in the remaining lands and interests in land acquired for the project, lying west of sections 20 and 29, township 15 south, range 23 east, as determined by the State, for the benefit and enjoyment of present and future generations of people and the development of outdoor recreation.

(5) The State shall agree to pay, from the assets of the State Canal Authority and the Cross Florida Canal Navigation District, including revenues from the sale of former project lands declared surplus by the State management plan, to the counties of Citrus, Clay, Duval, Levy, Marion, and Putnam a minimum aggregate sum of \$32,000,000 in cash or, at the option of the counties, payment to be made by conveyance of surplus former project lands selected by the State at current appraised values.

(6) The State shall agree to provide that, after repayment of all sums due to the counties of Citrus, Clay, Duval, Levy, Marion, and Putnam, the State may use any remaining funds generated from the sale of former project lands declared surplus by the State to acquire the fee title to lands along the project route as to which less than fee title was obtained, or to purchase privately owned lands, or easements over such privately owned lands, lying within the proposed project route, consistent with paragraphs (2), (3), and (4) of this subsection, according to such priorities as are determined in the management plan to be developed by the State for former project lands. Any remaining funds generated from the sale of former project lands declared surplus by the State shall be used for the improvement and management of the greenway corridor consistent with paragraphs (2), (3), and (4) of this subsection.

(c) Enforcement

(1) Remedies and jurisdiction

The United States is directed to vigorously enforce the agreement referred to in subsections (a) and (b) in the courts of the United States and shall be entitled to any remedies in equity or law, including, without limitation, injunctive relief. The court, in issuing any final order in any suit brought pursuant to this subsection, may, in its discretion, award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party. The United States district courts shall have original and exclusive jurisdiction of any action under this subsection.

(2) State remedies

The State shall be entitled to the same remedies listed in paragraph (1) of this subsection in the courts of the State or of the United States.