

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.

(c) Historical resources

(1) In general

The Secretary shall identify and manage the historical resources of the Recreation Area—

(A) in accordance with the requirements of division A of subtitle III of title 54 (formerly known as the “National Historic Preservation Act”); and

(B) in consultation with qualified residents or relatives.

(2) Consideration

The Secretary shall—

(A) in accordance with applicable law, give consideration to requests by qualified residents or relatives to use and maintain traditional sites, buildings, cemeteries, and other areas of cultural importance in the Recreation Area; and

(B) consult with qualified residents or relatives in the management of the historical resources of the Recreation Area.

(Pub. L. 105–277, div. A, §101(e) [title V, §529], Oct. 21, 1998, 112 Stat. 2681–231, 2681–317; Pub. L. 117–328, div. DD, title II, §201(h), Dec. 29, 2022, 136 Stat. 5583.)

Editorial Notes

AMENDMENTS

2022—Subsec. (c). Pub. L. 117–328 added subsec. (c).

§ 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 Act 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.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is section 101(e) of div. A of Pub. L. 105–277, Oct. 21, 1998, 112 Stat. 2681–231, which enacted the Department of the Interior and Related Agencies Appropriations Act, 1999. Title V of the Act, known as The Land Between the Lakes Protection Act of 1998, is classified generally to this subchapter. 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.