

the best way for the public to receive fair market value for the land; and

(14) to allow for the least disruption of existing land and resource management programs, the Bureau of Land Management may use non-Federal entities to prepare appraisal documents for agency review and approval consistent with applicable provisions of the Uniform Standards for Federal Land Acquisition.

(Pub. L. 106-248, title II, §202, July 25, 2000, 114 Stat. 613.)

#### REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in pars. (1) to (3), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of this title and Tables.

#### SHORT TITLE

Pub. L. 106-248, title II, §201, July 25, 2000, 114 Stat. 613, provided that: "This title [enacting this chapter] may be cited as the 'Federal Land Transaction Facilitation Act'."

### § 2302. Definitions

In this chapter:

#### (1) Exceptional resource

The term "exceptional resource" means a resource of scientific, natural, historic, cultural, or recreational value that has been documented by a Federal, State, or local governmental authority, and for which there is a compelling need for conservation and protection under the jurisdiction of a Federal agency in order to maintain the resource for the benefit of the public.

#### (2) Federally designated area

The term "federally designated area" means land in Alaska and the eleven contiguous Western States (as defined in section 1702(o) of this title) that on July 25, 2000, was within the boundary of—

(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management;

(B) a unit of the National Park System;

(C) a unit of the National Wildlife Refuge System;

(D) an area of the National Forest System designated for special management by an Act of Congress; or

(E) an area within which the Secretary or the Secretary of Agriculture is otherwise authorized by law to acquire lands or interests therein that is designated as—

(i) wilderness under the Wilderness Act (16 U.S.C. 1131 et seq.);

(ii) a wilderness study area;

(iii) a component of the Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); or

(iv) a component of the National Trails System under the National Trails System Act (16 U.S.C. 1241 et seq.).

#### (3) Inholding

The term "inholding" means any right, title, or interest, held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.

#### (4) Public land

The term "public land" means public lands (as defined in section 1702 of this title).

#### (5) Secretary

The term "Secretary" means the Secretary of the Interior.

(Pub. L. 106-248, title II, §203, July 25, 2000, 114 Stat. 614.)

#### REFERENCES IN TEXT

The Wilderness Act, referred to in par. (2)(E)(i), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, which is classified generally to chapter 23 (§1131 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of Title 16 and Tables.

The Wild and Scenic Rivers Act, referred to in par. (2)(E)(iii), is Pub. L. 90-542, Oct. 2, 1968, 82 Stat. 906, as amended, which is classified generally to chapter 28 (§1271 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1271 of Title 16 and Tables.

The National Trails System Act, referred to in par. (2)(E)(iv), is Pub. L. 90-543, Oct. 2, 1968, 82 Stat. 919, as amended, which is classified generally to chapter 27 (§1241 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1241 of Title 16 and Tables.

### § 2303. Identification of inholdings

#### (a) In general

The Secretary and the Secretary of Agriculture shall establish a procedure to—

(1) identify, by State, inholdings for which the landowner has indicated a desire to sell the land or interest therein to the United States; and

(2) prioritize the acquisition of inholdings in accordance with section 2305(c)(3) of this title.

#### (b) Public notice

As soon as practicable after July 25, 2000, and periodically thereafter, the Secretary and the Secretary of Agriculture shall provide public notice of the procedures referred to in subsection (a) of this section, including any information necessary for the consideration of an inholding under section 2305 of this title. Such notice shall include publication in the Federal Register and by such other means as the Secretary and the Secretary of Agriculture determine to be appropriate.

#### (c) Identification

An inholding—

(1) shall be considered for identification under this section only if the Secretary or the Secretary of Agriculture receive notification of a desire to sell from the landowner in response to public notice given under subsection (b) of this section; and

(2) shall be deemed to have been established as of the later of—

(A) the earlier of—

(i) the date on which the land was withdrawn from the public domain; or

(ii) the date on which the land was established or designated for special management; or

(B) the date on which the inholding was acquired by the current owner.

**(d) No obligation to convey or acquire**

The identification of an inholding under this section creates no obligation on the part of a landowner to convey the inholding or any obligation on the part of the United States to acquire the inholding.

(Pub. L. 106–248, title II, §204, July 25, 2000, 114 Stat. 615.)

**§ 2304. Disposal of public land**

**(a) In general**

The Secretary shall establish a program, using funds made available under section 2305 of this title, to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans (as in effect on July 25, 2000) under section 1712 of this title.

**(b) Sale of public land**

**(1) In general**

The sale of public land so identified shall be conducted in accordance with sections 1713 and 1719 of this title.

**(2) Exceptions to competitive bidding requirements**

The exceptions to competitive bidding requirements under section 1713(f) of this title shall apply to this section in cases in which the Secretary determines it to be necessary.

**(c) Report in Public Land Statistics**

The Secretary shall provide in the annual publication of Public Land Statistics, a report of activities under this section.

**(d) Termination of authority**

The authority provided under this section shall terminate 11 years after July 25, 2000.

(Pub. L. 106–248, title II, §205, July 25, 2000, 114 Stat. 615; Pub. L. 111–212, title III, §3007(a), July 29, 2010, 124 Stat. 2339.)

AMENDMENTS

2010—Subsec. (d). Pub. L. 111–212 substituted “11 years” for “10 years”.

**§ 2305. Federal Land Disposal Account**

**(a) Deposit of proceeds**

Notwithstanding any other law (except a law that specifically provides for a proportion of the proceeds to be distributed to any trust funds of any States), the gross proceeds of the sale or exchange of public land under this chapter<sup>1</sup> shall be deposited in a separate account in the Treasury of the United States to be known as the “Federal Land Disposal Account”.

**(b) Availability**

Amounts in the Federal Land Disposal Account shall be available to the Secretary and

the Secretary of Agriculture, without further Act of appropriation, to carry out this chapter.

**(c) Use of the Federal Land Disposal Account**

**(1) In general**

Funds in the Federal Land Disposal Account shall be expended in accordance with this subsection.

**(2) Fund allocation**

**(A) Purchase of land**

Except as authorized under subparagraph (C), funds shall be used to purchase lands or interests therein that are otherwise authorized by law to be acquired, and that are—

- (i) inholdings; and
- (ii) adjacent to federally designated areas and contain exceptional resources.

**(B) Inholdings**

Not less than 80 percent of the funds allocated for the purchase of land within each State shall be used to acquire inholdings identified under section 2303 of this title.

**(C) Administrative and other expenses**

An amount not to exceed 20 percent of the funds deposited in the Federal Land Disposal Account may be used by the Secretary for administrative and other expenses necessary to carry out the land disposal program under section 2304 of this title.

**(D) Same State purchases**

Of the amounts not used under subparagraph (C), not less than 80 percent shall be expended within the State in which the funds were generated. Any remaining funds may be expended in any other State.

**(3) Priority**

The Secretary and the Secretary of Agriculture shall develop a procedure for prioritizing the acquisition of inholdings and non-Federal lands with exceptional resources as provided in paragraph (2). Such procedure shall consider—

- (A) the date the inholding was established (as provided in section 2303(c) of this title);
- (B) the extent to which acquisition of the land or interest therein will facilitate management efficiency; and
- (C) such other criteria as the Secretary and the Secretary of Agriculture deem appropriate.

**(4) Basis of sale**

Any land acquired under this section shall be—

- (A) from a willing seller;
- (B) contingent on the conveyance of title acceptable to the Secretary, or the Secretary of Agriculture in the case of an acquisition of National Forest System land, using title standards of the Attorney General;
- (C) at a price not to exceed fair market value consistent with applicable provisions of the Uniform Appraisal Standards for Federal Land Acquisitions; and
- (D) managed as part of the unit within which it is contained.

**(d) Contaminated sites and sites difficult and uneconomic to manage**

Funds in the Federal Land Disposal Account shall not be used to purchase land or an interest

<sup>1</sup> See References in Text note below.