

## 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 in land that, as determined by the Secretary or the Secretary of Agriculture—

- (1) contains a hazardous substance or is otherwise contaminated; or
- (2) because of the location or other characteristics of the land, would be difficult or uneconomic to manage as Federal land.

#### (e) Land and Water Conservation Fund Act

Funds made available under this section shall be supplemental to any funds appropriated under the Land and Water Conservation Fund Act (16 U.S.C. 4601-4 et seq.).

#### (f) Termination

On termination of activities under section 2304 of this title—

- (1) the Federal Land Disposal Account shall be terminated; and
- (2) any remaining balance in the account shall become available for appropriation under section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 4601-6).

(Pub. L. 106-248, title II, §206, July 25, 2000, 114 Stat. 616.)

## REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act” and was translated as reading “this title”, meaning title II of Pub. L. 106-248, which enacted this chapter, to reflect the probable intent of Congress.

The Land and Water Conservation Fund Act, referred to in subsec. (e), probably means the Land and Water Conservation Fund Act of 1965, Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§4601-4 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 4601-4 of Title 16 and Tables.

### § 2306. Special provisions

#### (a) In general

Nothing in this chapter provides an exemption from any limitation on the acquisition of land or interest in land under any Federal law in effect on July 25, 2000.

#### (b) Other law

This chapter shall not apply to land eligible for sale under—

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