

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(i) the date on which the land was withdrawn from the public domain; or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

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

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—

(1) Public Law 96-568<sup>1</sup> (commonly known as the “Santini-Burton Act”) (94 Stat. 3381); or

(2) the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2343).

**(c) Exchanges**

Nothing in this chapter precludes, preempts, or limits the authority to exchange land under authorities providing for the exchange of Federal lands, including but not limited to—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(2) the Federal Land Exchange Facilitation Act of 1988 (102 Stat. 1086) or the amendments made by that Act.

**(d) No new right or benefit**

Nothing in this chapter<sup>1</sup> creates a right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person.

(Pub. L. 106-248, title II, §207, July 25, 2000, 114 Stat. 617.)

REFERENCES IN TEXT

Public Law 96-568 (commonly known as the “Santini-Burton Act”) (94 Stat. 3381), referred to in subsec. (b)(1), probably means Pub. L. 96-586, Dec. 23, 1980, 94 Stat. 3381, which repealed sections 467a and 467a-1 of Title 16, Conservation and enacted provisions set out as notes under sections 461 and 467a of Title 16. For complete classification of this Act to the Code, see Tables.

The Southern Nevada Public Land Management Act of 1998, referred to in subsec. (b)(2), is Pub. L. 105-263, Oct. 19, 1998, 112 Stat. 2343, which amended section 460ccc-1 of Title 16, Conservation, and section 6901 of Title 31, Money and Finance, and enacted provisions set out as a note under section 6901 of Title 31. For com-

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