

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.

plete classification of this Act to the Code, see Short Title of 1998 Amendment note set out under section 6901 of Title 31 and Tables.

The Federal Land Policy and Management Act of 1976, referred to in subsec. (c)(1), 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.

The Federal Land Exchange Facilitation Act of 1988, referred to in subsec. (c)(2), is Pub. L. 100-409, Aug. 20, 1988, 102 Stat. 1086, as amended, which enacted section 1723 of this title, amended section 1716 of this title and sections 505a, 505b, and 521b of Title 16, Conservation, and enacted provisions set out as notes under sections 751 and 1716 of this title. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 1701 of this title and Tables.

This chapter, referred to in subsec. (d), 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.

## CHAPTER 42—RURAL WATER SUPPLY

### SUBCHAPTER I—RECLAMATION RURAL WATER SUPPLY

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### SUBCHAPTER I—RECLAMATION RURAL WATER SUPPLY

#### § 2401. Definitions

In this subchapter:

##### (1) Construction

The term “construction” means the installation of infrastructure and the upgrading of existing facilities in locations in which the infrastructure or facilities are associated with the new infrastructure of a rural water project recommended by the Secretary pursuant to this subchapter.

##### (2) Federal reclamation law

The term “Federal reclamation law” means the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

##### (3) Indian

The term “Indian” means an individual who is a member of an Indian tribe.

##### (4) Indian tribe

The term “Indian tribe” has the meaning given the term in section 450b of title 25.

##### (5) Non-Federal project entity

The term “non-Federal project entity” means a State, regional, or local authority, Indian tribe or tribal organization, or other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association.

##### (6) Operations, maintenance, and replacement costs

###### (A) In general

The term “operations, maintenance, and replacement costs” means all costs for the operation of a rural water supply project that are necessary for the safe, efficient, and continued functioning of the project to produce the benefits described in a feasibility study.

###### (B) Inclusions

The term “operations, maintenance, and replacement costs” includes—

- (i) repairs of a routine nature that maintain a rural water supply project in a well kept condition;
- (ii) replacement of worn-out project elements; and
- (iii) rehabilitation activities necessary to bring a deteriorated project back to the original condition of the project.

###### (C) Exclusion

The term “operations, maintenance, and replacement costs” does not include construction costs.

##### (7) Program

The term “Program” means the rural water supply program carried out under section 2402 of this title.

##### (8) Reclamation States

The term “Reclamation States” means the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

##### (9) Rural water supply project

###### (A) In general

The term “rural water supply project” means a project that is designed to serve a community or group of communities, each of which has a population of not more than 50,000 inhabitants, which may include Indian tribes and tribal organizations, dispersed homesites, or rural areas with domestic, industrial, municipal, and residential water.

###### (B) Inclusion

The term “rural water supply project” includes—

- (i) incidental noncommercial livestock watering and noncommercial irrigation of vegetation and small gardens of less than 1 acre; and
- (ii) a project to improve rural water infrastructure, including—