

**§ 2304. Omitted**

## CODIFICATION

Section, 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, related to program 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 and terminated the authority under this section 11 years after July 25, 2000.

**§ 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<sup>1</sup> 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) Chapter 2003 of title 54**

Funds made available under this section shall be supplemental to any funds appropriated under chapter 2003 of title 54.

**(f) Termination**

On termination of activities under section 2304<sup>1</sup> 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 200303 of title 54.

(Pub. L. 106-248, title II, §206, July 25, 2000, 114 Stat. 616; Pub. L. 113-287, §5(l)(9), Dec. 19, 2014, 128 Stat. 3271.)

## 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.

Section 2304 of this title, referred to in subsecs. (c)(2)(C) and (f), related to disposal of public land and was omitted from the Code because authority under such section terminated 11 years after July 25, 2000.

## AMENDMENTS

2014—Subsec. (e). Pub. L. 113-287, §5(l)(9)(A), substituted “chapter 2003 of title 54” for “the Land and Water Conservation Fund Act (16 U.S.C. 4601-4 et seq.)”.

Subsec. (f)(2). Pub. L. 113-287, §5(l)(9)(B), which directed substitution of “section 200303 of title 54” for

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

“section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4607-6)”, was executed by making the substitution for “section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 4607-6)” to reflect the probable intent of Congress.

### § 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. 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 complete 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.

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

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

Sec.	
2401.	Definitions.
2402.	Rural water supply program.
2403.	Rural water programs assessment.
2404.	Appraisal investigations.
2405.	Feasibility studies.
2406.	Miscellaneous.
2407.	Reports.
2408.	Authorization of appropriations.
2409.	Termination of authority.

### SUBCHAPTER II—TWENTY-FIRST CENTURY WATER WORKS

2421.	Definitions.
2422.	Project eligibility.
2423.	Loan guarantees.
2424.	Defaults.
2425.	Operations, maintenance, and replacement costs.
2426.	Title to newly constructed facilities.
2427.	Water rights.
2428.	Interagency coordination and cooperation.
2429.	Records; audits.
2430.	Full faith and credit.
2431.	Report.
2432.	Effect on the reclamation laws.
2433.	Authorization of appropriations.
2434.	Termination of authority.

### 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 5304 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