

reau of Land Management Land Use Planning Handbook H-1601-1 (Rel 1-1693), a special recreation management 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) a National Forest or National Grassland in the National Forest System; 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) Inaccessible lands that are open to public hunting, fishing, recreational shooting, or other recreational purposes

The term “inaccessible lands that are open to public hunting, fishing, recreational shooting, or other recreational purposes” means public lands in Alaska and the eleven contiguous Western States (as defined in section 1702 of this title) consisting of at least 640 contiguous acres on which the public is allowed under Federal or State law to hunt, fish, target shoot or use the land for other recreational purposes but—

(A) to which there is no public access or egress; or

(B) to which public access or egress to the land is significantly restricted, as determined by the Secretary.

(4) 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.

(5) Public land

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

(6) Secretary

The term “Secretary” means the Secretary of the Interior.

(Pub. L. 106-248, title II, §203, July 25, 2000, 114 Stat. 614; Pub. L. 115-141, div. O, title III, §302(1)-(3), Mar. 23, 2018, 132 Stat. 1074, 1075.)

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.

AMENDMENTS

2018—Par. (1). Pub. L. 115-141, §302(1), substituted “cultural, recreational access and use, or other” for “cultural, or”.

Par. (2). Pub. L. 115-141, §302(2)(A), substituted “is within” for “on July 25, 2000, was within” in introductory provisions.

Par. (2)(A). Pub. L. 115-141, §302(2)(B), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “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;”.

Par. (2)(D). Pub. L. 115-141, §302(2)(C), amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: “an area of the National Forest System designated for special management by an Act of Congress; or”.

Pars. (3) to (6). Pub. L. 115-141, §302(3), added par. (3) and redesignated former pars. (3) to (5) as (4) to (6), respectively.

§ 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), 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); 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—

(1) to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans under section 1712 of this title;

(2) not later than 180 days after March 23, 2018, to establish and make available to the public, on the website of the Department of the Interior, a database containing a comprehensive list of all the land referred to in paragraph (1); and

(3) to maintain the database referred to in paragraph (2).

(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.

(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; Pub. L. 115-141, div. O, title III, §302(4), Mar. 23, 2018, 132 Stat. 1075.)

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-141, §302(4)(A), substituted “section 2305 of this title—” and pars. (1) to (3) for “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.”

Subsec. (d). Pub. L. 115-141, §302(4)(B), struck out subsec. (d). Text read as follows: “The authority provided under this section shall terminate 11 years after July 25, 2000.”

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 chapter¹ 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;

(ii) adjacent to federally designated areas and contain exceptional resources; or

(iii) adjacent to inaccessible lands open to public hunting, fishing, recreational shooting, or other recreational purposes.

(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.

(E) Any funds made available under subparagraph (D) that are not obligated or expended by the end of the fourth full fiscal year after the date of the sale or exchange of land that generated the funds may be expended in any 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 the acquisition of the land or interest therein will increase the public availability of resources for, and facilitate public access to, hunting, fishing, and other recreational activities;

(C) the extent to which acquisition of the land or interest therein will facilitate management efficiency; and

(D) such other criteria as the Secretary and the Secretary of Agriculture deem appropriate.

¹ See References in Text note below.