

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.

(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.

(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; Pub. L. 115-141, div. O, title III, § 302(5)-(7), Mar. 23, 2018, 132 Stat. 1075, 1076.)

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.

AMENDMENTS

2018—Subsec. (c)(2)(A)(i). Pub. L. 115-141, § 302(5)(A), substituted “inholdings;” for “inholdings; and”.

Subsec. (c)(2)(A)(ii). Pub. L. 115-141, § 302(5)(B), substituted “exceptional resources; or” for “exceptional resources.”

Subsec. (c)(2)(A)(iii). Pub. L. 115-141, § 302(5)(C), added cl. (iii).

Subsec. (c)(2)(E). Pub. L. 115-141, § 302(5)(D), added subpar. (E).

Subsec. (c)(3)(B) to (D). Pub. L. 115-141, § 302(6), added subpar. (B) and redesignated former subpars. (B) and (C) as (C) and (D), respectively.

Subsec. (f). Pub. L. 115-141, § 302(7), struck out subsec. (f). Text read as follows: “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 200303 of title 54.”

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 “section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6)”, was executed by making the substitution for “section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 4601-6)” 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 96-586 (commonly known as the “Santini-Burton Act”) (94 Stat. 3381);

(2) the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2343);

(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109-432; 120 Stat. 3028);

(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424; 118 Stat. 2403);

(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111-11);

(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111-11);

(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1108); or

(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1121).

(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 chapter¹ 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; Pub. L. 115-141, div. O, title III, § 302(8), Mar. 23, 2018, 132 Stat. 1076.)

REFERENCES IN TEXT

Public Law 96-586 (commonly known as the “Santini-Burton Act”), referred to in subsec. (b)(1), is 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 White Pine County Conservation, Recreation, and Development Act of 2006, referred to in subsec.

¹ See References in Text note below.