

(d) Contaminated sites and sites difficult and un-economic 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 un-economic 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.)

Editorial Notes

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.)

Editorial Notes

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. (b)(3), is title III of div. C of Pub. L. 109-432, Dec. 20, 2006, 120 Stat. 3028, which enacted provisions set out as notes under sections 1241 and 1244 of Title 16, Conservation, and enacted and amended provisions listed in a table of Wilderness Areas set out under section 1132 of Title 16. For complete classification of this Act to the Code, see Short Title of 2006 Amendment note set out under section 1241 of Title 16 and Tables.

The Lincoln County Conservation, Recreation, and Development Act of 2004, referred to in subsec. (b)(4), is Pub. L. 108-424, Nov. 30, 2004, 118 Stat. 2403, which en-

¹ See References in Text note below.

acted provisions set out as notes under sections 1241 and 1244 of Title 16, Conservation, and provisions listed in a table of Wilderness Areas set out under section 1132 of Title 16 and amended provisions listed in a table of National Wildlife Conservation Areas set out under section 668dd of Title 16. For complete classification of this Act to the Code, see Short Title of 2004 Amendment note set out under section 1241 of Title 16 and Tables.

The Omnibus Public Land Management Act of 2009, referred to in subsec. (b)(5) to (8), is Pub. L. 111–11, Mar. 30, 2009, 123 Stat. 991. Subtitle F (§1501 et seq.) of title I of the Act enacted provisions listed in a table of Wilderness Areas set out under section 1132 of Title 16, Conservation, and amended section 1274 of Title 16, Subtitle O (§1971 et seq.) of title I of the Act enacted section 346a–6 of Title 16, amended sections 460www, 460xxx, and 1274 of Title 16, and enacted provisions set out as notes under sections 460www and 1274 of Title 16 and provisions listed in a table of Wilderness Areas set out under section 1132 of Title 16. Section 2601 of the Act is not classified to the Code. For complete classification of this Act to the Code, see 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.

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115–141, §302(8)(A), substituted “96–586” for “96–568” and a semicolon for “; or” at end.

Subsec. (b)(2). Pub. L. 115–141, §302(8)(B), inserted “Public Law 105–263;” before “112 Stat.” and substituted a semicolon for period at end.

Subsec. (b)(3) to (8). Pub. L. 115–141, §302(8)(C), added pars. (3) to (8).

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 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 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.