

tion to any other party, the party to whom such lands were conveyed by the Secretary shall be liable to pay the Secretary, on behalf of the United States, the fair market value of such transferred portion as of the date of such transfer, including the value of any improvements thereon. Subject to appropriations, all amounts received by the Secretary under this subparagraph shall be retained by the Secretary and used for the management of public lands and shall remain available until expended.

(C) Pricing for conveyances of land under this subsection shall be in accordance with the provisions of section 869-1 of this title, except that no compensation shall be required for the inclusion of only the limited reverter specified in this paragraph.

(D) Each patent issued under this subsection shall specify that no portion of the lands covered by such patent shall under any circumstances revert to the United States if such portion has been used for solid waste disposal or for any other purpose that the Secretary finds may result in the disposal, placement, or release of any hazardous substance.

(7) For purposes of this section the term "hazardous substance" has the same meaning as such term has when used in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.).

**(c) Existing disposal sites**

(1) Upon the application or with the concurrence of any party to whom the Secretary, prior to November 10, 1988, conveyed land under sections 869 to 869-4 of this title, the Secretary may renounce the reversionary interests of the United States in such land, or portion thereof, if the Secretary finds that such land, or portion thereof, has been used for solid waste disposal or for any other purpose which the Secretary finds may result in the disposal, placement, or release of any hazardous substance, and the Secretary may rescind any portion of any patent or other instrument of conveyance inconsistent with such renunciation. After such renunciation, affected lands shall not under any circumstances revert to the United States by the operation of law, and shall cease to be subject to the provisions of subsection (a) of this section.

(2) Upon the application or with the concurrence of a party to whom the Secretary, prior to November 10, 1988, leased lands pursuant to sections 869 to 869-4 of this title, the Secretary may convey in fee the lands covered by such lease or any portion thereof which have been used for solid waste disposal or for any other purpose that the Secretary finds may result in the disposal, placement, or release of any hazardous substance. Notwithstanding any other provision of sections 869 to 869-4 of this title, a patent issued pursuant to this paragraph shall not contain a reverter provision and the lands covered by such patent shall not under any circumstances revert to the United States by operation of law after the issuance of such patent and shall not be subject to the provisions of subsection (a) of this section.

(June 14, 1926, ch. 578, §3, as added June 4, 1954, ch. 263, 68 Stat. 175; amended Pub. L. 86-292, §2,

Sept. 21, 1959, 73 Stat. 571; Pub. L. 100-648, §2, Nov. 10, 1988, 102 Stat. 3813.)

REFERENCES IN TEXT

The Comprehensive Environmental Response, Compensation, and Liability Act, referred to in subsec. (b)(7), probably means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96-510, Dec. 11, 1980, 94 Stat. 2767, as amended, which is classified principally to chapter 103 (§9601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of Title 42 and Tables.

PRIOR PROVISIONS

Prior provisions on the subject of reverter were formerly contained in section 869 of this title. See 1954 Amendment note set out under that section. Those prior provisions permanently restricted the lands conveyed to a single use, and did not provide, as in this section, for transfer by the original grantee or its successor.

AMENDMENTS

1988—Pub. L. 100-648 designated existing provision as subsec. (a) and added subsecs. (b) and (c).

1959—Pub. L. 86-292 struck out sentence which provided that this section should cease to be in effect as to any lands patented under sections 869 to 869-4 of this title twenty-five years after the issuance of patent for such lands.

SAVINGS PROVISIONS

Pub. L. 100-648, §3, Nov. 10, 1988, 102 Stat. 3815, provided that: "Nothing in this Act [amending section 869-2 of this title and enacting provisions set out as notes under sections 869 and 869-2 of this title] or the amendments made thereby shall be construed to affect the applicability and operation of the Comprehensive Environmental Response, Compensation[,] and Liability Act [of 1980] (42 U.S.C. 9601 et seq.) as amended, and the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.), as amended."

CONGRESSIONAL REVIEW OF CONVEYANCE OF LAND OR RENUNCIATION OF REVERSIONARY INTERESTS

Pub. L. 100-648, §4, Nov. 10, 1988, 102 Stat. 3815, provided that:

"(a) The Secretary shall not make any conveyance of land or renunciation of reversionary interests under this Act [amending section 869-2 of this title and enacting provisions set out as notes under sections 869 and 869-2 of this title] until he has published in the Federal Register regulations implementing this Act and until sixty days (not counting days on which the House of Representatives or the Senate has adjourned for more than three days) after these regulations have been submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives. [Implementing regulations were published in the Federal Register July 23, 1992, 57 F.R. 32730.]

"(b) During the first three years after enactment of this Act [Nov. 10, 1988] the Secretary shall not make any conveyance of land or renunciation of reversionary interests under this Act until thirty days (not counting days on which the House of Representatives or the Senate has adjourned for more than three days) after notice of intention to do so has been submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives."

**§ 869-3. Authority for transfers; applicability of section 869-2 to prior patents; termination of restrictions**

The Secretary may authorize transfers of title or changes in use in accordance with the provi-

sions of section 869-2 of this title with respect to any patent heretofore issued under any Act upon application by a patentee qualified to obtain a conveyance under section 869-1(a) or 869-1(c) of this title. If the Secretary, pursuant to such an application, authorizes such transfer or use, all reverter provisions and other limitations on transfer or use, under sections 869 to 869-4 of this title or any other Act affecting the lands involved, shall cease to be in effect twenty-five years after the Secretary authorizes the transfer or use for a changed or additional purpose under the provisions of this section.

(June 14, 1926, ch. 578, § 4, as added June 4, 1954, ch. 263, 68 Stat. 175.)

**§ 869-4. Disposition of moneys received from or on account of revested Oregon and California Railroad grant lands or reconveyed Coos Bay Wagon Road grant lands**

All moneys received from or on account of any revested Oregon and California Railroad grant lands or reconveyed Coos Bay Wagon Road grant lands under sections 869 to 869-4 of this title shall be deposited respectively in the Oregon and California land-grant fund and the Coos Bay Wagon Road grant fund, and shall be applied in the manner prescribed respectively by section 1181f of this title, and by sections 1181f-1 to 1181f-4 of this title.

(June 14, 1926, ch. 578, § 6, as added Pub. L. 86-66, § 3, June 23, 1959, 73 Stat. 111.)

**§ 869a. Repealed. Pub. L. 86-66, § 1, June 23, 1959, 73 Stat. 110**

Section, act Apr. 13, 1928, ch. 370, §§ 1, 2, 45 Stat. 429, extended provisions of section 869 of this title to former Oregon and California Railroad grant lands revested in the United States and to former Coos Bay Wagon Road grant lands reconveyed to the United States.

**§ 870. Grants of land in aid of common or public schools; extension to those mineral in character; effect of leases**

Subject to the provisions of subsections (a), (b), and (c) of this section, the several grants to the States of numbered sections in place for the support or in aid of common or public schools be, and they are, extended to embrace numbered school sections mineral in character, unless land has been granted to and/or selected by and certified or approved, to any such State or States as indemnity or in lieu of any land so granted by numbered sections.

(a) The grant of numbered mineral sections under this section shall be of the same effect as prior grants for the numbered nonmineral sections, and titles to such numbered mineral sections shall vest in the States at the time and in the manner and be subject to all the rights of adverse parties recognized by existing law in the grants of numbered nonmineral sections.

(b) The additional grant made by this section is upon the express condition that all sales, grants, deeds, or patents for any of the lands so granted shall hereafter be subject to and contain a reservation to the State of all the coal and other minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. The

coal and other mineral deposits in such lands not heretofore disposed of by the State shall be subject to lease by the State as the State legislature may direct, the proceeds and rentals and royalties therefrom to be utilized for the support or in aid of the common or public schools: *Provided*, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property or some part thereof is located.

(c) Except as provided in subsection (d) of this section, any lands included within the limits of existing reservations of or by the United States, or specifically reserved for water-power purposes, or included in any pending suit or proceeding in the courts of the United States, or subject to or included in any valid application, claim, or right initiated or held under any of the existing laws of the United States, unless or until such reservation, application, claim, or right is extinguished, relinquished, or canceled, and all lands in the Territory of Alaska, are excluded from the provisions of this section.

(d)(1) Notwithstanding subsection (c) of this section, the fact that there is outstanding on any numbered school section, whether or not mineral in character, at the time of its survey a mineral lease or leases entered into by the United States, or an application therefor, shall not prevent the grant of such numbered school section to the State concerned as provided by this section and section 871 of this title.

(2) Any such numbered school section which has been surveyed prior to July 11, 1956, and which has not been granted to the State concerned solely by reason of the fact that there was outstanding on it at the time of the survey a mineral lease or leases entered into by the United States, or an application therefor, is hereby granted by the United States to such State under this section as if it had not been so leased; and the State shall succeed the position of the United States as lessor under such lease or leases.

(3) Any such numbered school section which is surveyed on or after July 11, 1956, and on which there is outstanding at the time of such survey a mineral lease or leases entered into by the United States, shall (unless excluded from the provisions of this section by subsection (c) of this section for a reason other than the existence of an outstanding lease) be granted to the State concerned immediately upon completion of such survey; and the State shall succeed to the position of the United States as lessor under such lease or leases.

(4) The Secretary of the Interior shall, upon application by a State, issue patents to the State for the lands granted by this section and section 871 of this title, in accordance with section 871a<sup>1</sup> of this title. Such patent shall, if the lease is then outstanding, include a statement that the State succeeded to the position of the United States as lessor at the time the title vested in the State.

(5) Where at the time rents, royalties, and bonuses accrue the lands or deposits covered by a

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