

§ 869-1. Sale or lease to State or nonprofit organization; reservation of mineral deposits; termination of lease for nonuse

The Secretary of the Interior may after due consideration as to the power value of the land, whether or not withdrawn therefor, (a) sell such land to the State, Territory, county, or other State, Territorial, or Federal instrumentality or political subdivision in which the lands are situated, or to a nearby municipal corporation in the same State or Territory, for the purpose for which the land has been classified, and conveyances of such land for historic-monument purposes or recreational purposes under this section shall be made without monetary consideration, while conveyances for any other purpose under this section shall be made at a price to be fixed by the Secretary of the Interior through appraisal or otherwise, after taking into consideration the purpose for which the lands are to be used, (b) lease such land to the State, Territory, county, or other State, Territorial, or Federal instrumentality or political subdivision in which the lands are situated, or to a nearby municipal corporation in the same State or Territory, for the purpose for which the land has been classified, at a reasonable annual rental, except that leases of such lands for recreational purposes shall be made without monetary consideration, for a period up to twenty-five years, and, at the discretion of the Secretary, with a privilege of renewal for a like period, (c) sell such land to a nonprofit corporation or nonprofit association, for the purpose for which the land has been classified, at a price to be fixed by the Secretary of the Interior through appraisal, after taking into consideration the purpose for which the lands are to be used, or (d) lease such land to a nonprofit corporation or nonprofit association at a reasonable annual rental, for a period up to twenty years, and, at the discretion of the Secretary, with a privilege of renewal for a like period. Each patent or lease so issued shall contain a reservation to the United States of all mineral deposits in the lands conveyed or leased and of the right to mine and remove the same, under applicable laws and regulations to be established by the Secretary. Each lease shall contain a provision for its termination upon a finding by the Secretary that the land has not been used by the lessee for the purpose specified in the lease for such period, not over five years, as may be specified in the lease, or that such land or any part thereof is being devoted to another use.

(June 14, 1926, ch. 578, §2, as added June 4, 1954, ch. 263, 68 Stat. 174; amended Pub. L. 89-457, §1, June 20, 1966, 80 Stat. 210; Pub. L. 94-579, title II, §212(c), (d), Oct. 21, 1976, 90 Stat. 2760.)

PRIOR PROVISIONS

Provisions similar to those in this section were formerly contained in section 869 of this title. See 1954 Amendment note set out under that section. Those prior provisions did not require, as in this section, the Secretary of the Interior to take into account the possible power value of the lands, whether withdrawn therefor, or not, before authorizing any disposal of them under section 869 of this title; did not provide, as in this section, for the sale or lease of those lands to Federal instrumentalities, to Territories and to politi-

cal subdivisions other than States, counties, and municipalities, and to nonprofit corporations and associations; and did not provide, as in this section, that conveyances of that land for historic-monument purposes should be made without monetary consideration. See section 869 of this title.

AMENDMENTS

1976—Pub. L. 94-579 in cl. (a) inserted reference to recreational purposes and in cl. (b) inserted reference to leases for recreational purposes.

1966—Pub. L. 89-457 authorized an increase in the period of a lease under cl. (b) from twenty to twenty-five years.

SAVINGS PROVISION

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

PERIOD OF LEASES

Pub. L. 89-457, §2, June 20, 1966, 80 Stat. 210, provided that: "Upon application by a lessee holding a lease under the Recreation and Public Purposes Act [sections 869 to 869-4 of this title] the Secretary of the Interior may enter into a new lease for a term not to exceed twenty-five years from the date of the new lease."

§ 869-2. Conditions of transfer by grantee; solid waste disposal

(a) Conditions of transfer by grantee

Title to lands conveyed by the Government under sections 869 to 869-4 of this title may not be transferred by the grantee or its successor except, with the consent of the Secretary of the Interior, to a transferee which would be a qualified grantee under section 869-1(a) or 869-1(c) of this title and subject to the acreage limitation contained in section 869(b) of this title. A grantee or its successor may not change the use specified in the conveyance to another or additional use except, with the consent of the Secretary, to a use for which such grantee or its successor could obtain a conveyance under sections 869 to 869-4 of this title. If at any time after the lands are conveyed by the Government, the grantee or its successor attempts to transfer title or control over these lands to another or the lands are devoted to a use other than that for which the lands were conveyed, without the consent of the Secretary, title to the lands shall revert to the United States.

(b) New disposal sites

(1) Notwithstanding the provisions of subsection (a) of this section, if the Secretary receives an application for conveyance of land under sections 869 to 869-4 of this title for the express purpose of solid waste disposal or for another purpose which the Secretary finds may include the disposal, placement, or release of any hazardous substance, the Secretary may convey such land subject only to the provisions of this subsection.

(2) Prior to issuance of any conveyance of land under this subsection the Secretary shall investigate the land covered by an application for such conveyance to determine whether or not any hazardous substance is present on such land. Such investigation shall include a review of any available records as to the use of such land and all appropriate analysis of the soil, water and