

recreational areas for provision which limited conveyance to 640 acres to any one grantee in any one calendar year.

Subsec. (c). Pub. L. 86-66 substituted provisions making sections 869 to 869-4 of this title inapplicable, except insofar as those sections apply to leases of land to States and counties and to State and Federal instrumentalities and political subdivisions and to municipal corporations, to revested Oregon and California Railroad grant lands and reconveyed Coos Bay Wagon Road grant lands in the State of Oregon, for provisions which made those sections inapplicable to the revested Oregon and California Railroad grant lands and reconveyed Coos Bay Wagon Road grant lands.

1954—Act June 4, 1954, divided provisions of act June 14, 1926, on which this section is based, into separate sections (now set out as this section and sections 869-1 to 869-4 of this title), and changed provisions generally to broaden authority of Secretary of the Interior to dispose of public lands for public purposes (1) by including provisions for disposal thereof to Territories (including Alaska), other political subdivisions, and nonprofit corporations and associations rather than to States, counties, and municipalities only, (2) by permitting the disposal thereof for "public" purposes, rather than merely for "recreational" purposes as theretofore, (3) by striking out "nonmineral" in describing the lands which may be so disposed of, (4) by inserting limitation provisions set out in subsecs. (b) and (c) of this section, (5) by amending and transferring to section 2 of that act (section 869-1 of this title) provisions governing methods of, and conditions with respect to the, disposing of the lands for those purposes (see Prior Provisions note set out under section 869-1 of this title), including provision for the reservation of mineral deposits, (6) by amending and transferring to section 3 of that act (section 869-2 of this title) provisions with respect to reversion of the lands to the United States in certain cases (see Prior Provisions note set out under section 869-2 of this title), (7) by enacting, as section 4 of that act, provisions set out as section 869-3 of this title, and (8) by inserting provision in this section that disposals should be made "upon application by a duly qualified applicant" under section 869-1 of this title.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1960 AMENDMENT

Pub. L. 86-755, Sept. 13, 1960, 74 Stat. 899, provided that the amendment made by Pub. L. 86-755 is effective Sept. 21, 1959.

##### SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-648, §1, Nov. 10, 1988, 102 Stat. 3813, provided that: "This Act [amending section 869-2 of this title and enacting provisions set out as notes under section 869-2 of this title] may be cited as the 'Recreation and Public Purposes Amendment Act of 1988'."

##### SHORT TITLE

Act June 14, 1926, ch. 578, 44 Stat. 741, which enacted sections 869 to 869-4 of this title, is popularly known as the "Recreation and Public Purposes Act".

##### 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.

#### § 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.)

#### Editorial Notes

##### 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 political 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.

**Statutory Notes and Related Subsidiaries**

## 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 to 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 air associated with such land. No land shall be conveyed under this subsection if such investigation indicates that any hazardous substance is present on such land.

(3) No application for conveyance under this subsection shall be acted on by the Secretary until the applicant has furnished evidence, satisfactory to the Secretary, that a copy of the application and information concerning the proposed use of the land covered by the application has been provided to the Environmental Protection Agency and to all other State and Federal agencies with responsibility for enforcement of State and Federal laws applicable to lands used for the disposal, placement, or release of solid waste or any hazardous substance.

(4) No application for conveyance under this subsection shall be acted on by the Secretary until the applicant has given a warranty that use of the land covered by the application will be consistent with all applicable State and Federal laws, including laws dealing with the disposal, placement, or release of hazardous substances, and that the applicant will hold the United States harmless from any liability that may arise out of any violation of any such law.

(5) A conveyance under this subsection shall be made to the extent that the applicant has demonstrated to the Secretary that the land covered by an application meets all applicable State and local requirements and is appropriate in character and reasonable in acreage in order to meet an existing or reasonably anticipated need for solid waste disposal or for another proposed use that the Secretary finds may include the disposal, placement, or release of any hazardous substance.

(6) A conveyance under this subsection shall be subject to the following conditions:

(A) Except as otherwise provided in subparagraphs (B) and (D) of this paragraph, the document of conveyance shall provide that the lands conveyed under this subsection shall revert to the United States, unless substantially all of the lands have been used, on or before the date five years after the date of conveyance, for the purpose or purposes specified in the application, or for other use or uses authorized under subsection (a) with the consent of the Secretary.

(B) In the event that at any time after such conveyance any portion of such lands has not been used for the purpose or purposes specified in the application, and the party to whom such lands were conveyed by the Secretary shall transfer ownership of such unused portion 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 cov-