

Union Calendar No. 440

105TH CONGRESS
2^D SESSION

H. R. 3878

[Report No. 105-771]

To subject certain reserved mineral interests of the operation of the Mineral Leasing Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1998

Mrs. CUBIN introduced the following bill; which was referred to the Committee on Resources

OCTOBER 5, 1998

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To subject certain reserved mineral interests of the operation of the Mineral Leasing Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. LEASING OF CERTAIN RESERVED MINERAL IN-**
4 **TERESTS.**

5 (a) APPLICATION OF MINERAL LEASING ACT.—Not-
6 withstanding the provisions of section 4 of the 1964 Public

1 Land Sale Act (Public Law 88–608, 78 Stat. 988), the
2 Federal reserved mineral interests in lands conveyed under
3 that Act by United States land patents No. 49–71–0059
4 and No. 49–71–0065 shall be subject to the operation of
5 the Mineral Leasing Act (30 U.S.C. 181 et seq.).

6 (b) ENTRY.—Any person who acquires any lease
7 under the Mineral Leasing Act for the interests referred
8 to in subsection (a) may exercise the right to enter re-
9 served to the United States and persons authorized by the
10 United States in the patents conveying the lands described
11 in subsection (a) by occupying so much of the surface
12 thereof as may be required for all purposes reasonably in-
13 cident to the exploration for, and extraction and removal
14 of, the leased minerals by either of the following means:

15 (1) By securing the written consent or waiver
16 of the patentee.

17 (2) In the absence of such consent or waiver, by
18 posting a bond or other financial guarantee with the
19 Secretary of the Interior in an amount sufficient to
20 insure—

21 (A) the completion of reclamation pursuant
22 to the Secretary’s requirements under the Min-
23 eral Leasing Act, and

24 (B) the payment to the surface owner
25 for—

1 (i) any damages to crops and tangible
2 improvements of the surface owner that re-
3 sult from activities under the mineral
4 lease, and

5 (ii) any permanent loss of income to
6 the surface owner due to loss or impair-
7 ment of grazing use, or of other uses of
8 the land by the surface owner at the time
9 of commencement of activities under the
10 mineral lease.

11 (c) LANDS COVERED BY PATENT NO. 49-71-
12 0065.—In the case of the lands in United States patent
13 No. 49-71-0065, the preceding provisions of this section
14 take effect January 1, 1997.

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