

Calendar No. 52

109TH CONGRESS
1ST SESSION**S. 97****[Report No. 109–37]**

To provide for the sale of bentonite in Big Horn County, Wyoming.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. ENZI introduced the following bill; which was read twice and referred to
the Committee on Energy and Natural Resources

MARCH 14, 2005

Reported by Mr. DOMENICI, without amendment

A BILL

To provide for the sale of bentonite in Big Horn County,
Wyoming.

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. SHORT TITLE.**

4 This Act may be cited as the “Big Horn Bentonite
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) COVERED LAND.—The term “covered land”
2 means the approximately 20 acres of previously
3 withdrawn land located in the E¹/₂ NE¹/₄ SE¹/₄ of
4 sec. 32, T. 56N., R. 95W., sixth principal meridian,
5 Big Horn County, Wyoming.

6 (2) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 **SEC. 3. AUTHORIZATION OF MINING AND REMOVAL OF**
9 **BENTONITE.**

10 (a) IN GENERAL.—Notwithstanding the withdrawal
11 of the covered land for military purposes, the Secretary
12 may, with the consent of the Secretary of the Army, per-
13 mit the mining and removal of bentonite on the covered
14 land.

15 (b) SOLE-SOURCE CONTRACT.—The Secretary shall
16 enter into a sole-source contract for the mining and re-
17 moval of the bentonite from the covered land that provides
18 for the payment to the Secretary of \$1.00 per ton of ben-
19 tonite removed from the covered land.

20 (c) TERMS AND CONDITIONS.—

21 (1) IN GENERAL.—Mining and removal of ben-
22 tonite under this Act shall be subject to such terms
23 and conditions as the Secretary may prescribe for—

24 (A) the prevention of unnecessary or undue
25 degradation of the covered land; and

1 (B) the reclamation of the covered land
2 after the bentonite is removed.

3 (2) REQUIREMENTS.—The terms and condi-
4 tions prescribed under paragraph (1) shall be at
5 least as protective of the covered land as the terms
6 and conditions established for Pit No. 144L (BLM
7 Case File WYW136110).

8 (3) LAND USE PLAN.—In carrying out the pro-
9 visions of this Act, the Secretary is not required to
10 amend any land use plan under section 202 of the
11 Federal Land Policy and Management Act of 1976
12 (43 U.S.C. 1712).

13 (4) TERMINATION OF INTEREST.—On comple-
14 tion of the mining and reclamation authorized under
15 this Act, any party that has entered into the sole-
16 source contract with the Secretary under subsection
17 (b) shall have no remaining interest in the covered
18 land.

19 **SEC. 4. CLOSURE.**

20 (a) IN GENERAL.—If the Secretary of the Army noti-
21 fies the Secretary that closure of the covered land is re-
22 quired because of a national emergency or for the purpose
23 of national defense or national security, the Secretary
24 shall—

1 (1) order the suspension of any activity author-
2 ized by this Act on the covered land; and

3 (2) close the covered land until the Secretary of
4 the Army notifies the Secretary that the closure is
5 no longer necessary.

6 (b) LIABILITY.—Neither the Secretary nor the Sec-
7 retary of the Army shall be liable for damages from a clo-
8 sure of the covered land under subsection (a).

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