

107TH CONGRESS
1ST SESSION

H. R. 447

To require the Secretary of the Interior to make reimbursement for certain damages incurred as a result of bonding regulations adopted by the Bureau of Land Management on February 28, 1997, and subsequently determined to be in violation of Federal law.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2001

Mr. GIBBONS introduced the following bill; which was referred to the
Committee on Resources

A BILL

To require the Secretary of the Interior to make reimbursement for certain damages incurred as a result of bonding regulations adopted by the Bureau of Land Management on February 28, 1997, and subsequently determined to be in violation of Federal law.

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. REIMBURSEMENT.**

4 (a) REQUIREMENT.—The Secretary of the Interior
5 (in this section referred to as the “Secretary”) shall reim-
6 burse all private and public entities for all monetary dam-
7 ages incurred as a result of the bonding regulations pro-

1 mulgated by the Secretary on February 28, 1997 (43
2 C.F.R. 3809), that were determined by the United States
3 District Court for the District of Columbia on May 13,
4 1998 (Northwest Mining Association v. Bruce Babbitt,
5 Secretary, U.S. Department of Interior, et al., Case No.
6 97–1013), to have been adopted in violation of the Regu-
7 latory Flexibility Act.

8 (b) CLAIMS.—Any private or public entity may sub-
9 mit a claim for such damages to the Secretary for reim-
10 bursement under this section. Such claim shall be sup-
11 ported by evidence showing that the damages were caused
12 by the bonding regulations. Unless the Secretary finds
13 within 90 days after receipt of the claim that the damages
14 were not caused, in whole or in part, by such regulations,
15 the Secretary shall make reimbursement to the claimant
16 within such 90-day period.

17 (c) APPEALS.—Any private or public entity that sub-
18 mits a claim in accordance with this section that is re-
19 jected by the Secretary—

20 (1) shall have a right to an appeal of the mat-
21 ter to the State court of competent jurisdiction in
22 the State in which the entity is domiciled; and

1 (2) shall have the right to a civil trial by jury
2 if the amount in dispute, including litigation costs,
3 is \$20,000 or greater.

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