

105TH CONGRESS
2D SESSION

H. R. 3878

AN ACT

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

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

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

3 (a) APPLICATION OF MINERAL LEASING ACT.—Not-
4 withstanding the provisions of section 4 of the 1964 Public
5 Land Sale Act (P.L. 88–608, 78 Stat. 988), the Federal
6 reserved mineral interests in lands conveyed under that
7 Act by United States land patents No. 49–71–0059 and
8 No. 49–71–0065 shall be subject to the operation of the
9 Mineral Leasing Act (30 U.S.C. 181 et seq.).

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

19 (1) By securing the written consent or waiver
20 of the patentee.

21 (2) In the absence of such consent or waiver, by
22 posting a bond or other financial guarantee with the
23 Secretary of the Interior in an amount sufficient to
24 insure—

1 (A) the completion of reclamation pursuant
2 to the Secretary's requirements under the Min-
3 eral Leasing Act; and

4 (B) the payment to the surface owner
5 for—

6 (i) any damages to crops and tangible
7 improvements of the surface owner that re-
8 sult from activities under the mineral
9 lease; and

10 (ii) any permanent loss of income to
11 the surface owner due to loss or impair-
12 ment of grazing use, or of other uses of
13 the land by the surface owner at the time
14 of commencement of activities under the
15 mineral lease.

16 (c) LANDS COVERED BY PATENT NO. 49-71-
17 0065.—In the case of the lands in United States patent
18 No. 49-71-0065, the preceding provisions of this section
19 take effect January 1, 1997.

Passed the House of Representatives October 14,
1998.

Attest:

Clerk.