

105TH CONGRESS
2D SESSION

H. R. 4610

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

SEPTEMBER 23, 1998

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 (hereinafter in this Act referred to as the “Secretary”)
6 shall reimburse all private and public entities for all mone-
7 tary damages incurred as a result of the bonding regula-

1 tions promulgated by the Secretary on February 28, 1997,
2 (43 C.F.R. 3809) that were determined by the U.S. Dis-
3 trict Court for the District of Columbia on May 13, 1998,
4 (Northwest Mining Association v. Bruce Babbitt, Sec-
5 retary, U.S. Department of Interior, et al., Case No.97–
6 1013) to have been adopted in violation of the Regulatory
7 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 Act. Such claim shall be supported
11 by evidence showing that the damages were caused by the
12 bonding regulations. Unless the Secretary finds within 90
13 days after receipt of the claim that the damages were not
14 caused, in whole or in part, by such regulations, the Sec-
15 retary shall make reimbursement to the claimant within
16 such 90 day period.

17 (c) APPEALS.—Any claim submitted by a private or
18 public entity in accordance with the directives herein in
19 this law that have been rejected by the Secretary, shall
20 have a right to an appeal of the matter to the State court
21 of competent jurisdiction in which the Claimant is domi-
22 ciled. Claimant, upon request, shall have the right to a
23 civil trial by jury in the event the amount in dispute, litiga-
24 tion costs included, is \$20,000 or greater.

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