

Union Calendar No. 535

113TH CONGRESS
2^D SESSION

H. R. 5176

[Report No. 113-704]

To authorize the Secretary of the Interior to retire coal preference right lease applications for which the Secretary has made an affirmative commercial quantities determination, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2014

Mr. BEN RAY LUJÁN of New Mexico (for himself and Mrs. LUMMIS) introduced the following bill; which was referred to the Committee on Natural Resources

DECEMBER 22, 2014

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

A BILL

To authorize the Secretary of the Interior to retire coal preference right lease applications for which the Secretary has made an affirmative commercial quantities determination, 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. EXCHANGE OF COAL PREFERENCE RIGHT**
4 **LEASE APPLICATIONS.**

5 (a) IN GENERAL.—The Secretary of the Interior may
6 retire any coal preference right lease application for which
7 the Secretary has made an affirmative commercial quan-
8 tities determination, by issuing bidding rights in exchange
9 for relinquishment of the coal preference right lease appli-
10 cation, including, notwithstanding any other provision of
11 law, payment to the relevant State of 50 percent of the
12 dollar amount of any bidding right subsequently used in
13 lieu of any monetary payment of a bonus in a coal lease
14 sale or of rental or royalty under a Federal coal lease.

15 (b) SOURCE OF PAYMENTS.—The Secretary shall
16 make payments under subsection (a) from monies that
17 would otherwise be deposited to miscellaneous receipts
18 under section 35(a) of the Mineral Leasing Act (30 U.S.C.
19 191(a)) from revenues received under that section under
20 Federal mineral leases.

21 (c) TREATMENT OF PAYMENTS.—A payment to a
22 State under this section shall be treated for all purposes
23 as if it were a payment under section 35(a) of the Mineral
24 Leasing Act (30 U.S.C. 191(a)).

25 (d) TRANSFERABILITY; LIMITATION.—

1 (1) TRANSFERABILITY.—A bidding right issued
2 under this section shall be fully transferable to any
3 other person.

4 (2) NOTIFICATION OF SECRETARY.—A person
5 who transfers such a bidding right shall notify the
6 Secretary of the transfer by any method determined
7 to be appropriate by the Secretary.

8 (3) EFFECTIVE PERIOD.—

9 (A) IN GENERAL.—A bidding right issued
10 under this section shall terminate upon the ex-
11 piration of the 5-year period beginning on the
12 date it is issued.

13 (B) TOLLING OF PERIOD.—Such 5-year
14 period shall be tolled during any period in
15 which exercise of the bidding right is precluded
16 by temporary injunctive relief granted under, or
17 administrative, legislative, or judicial suspension
18 of, the Federal coal leasing program.

19 (e) BIDDING RIGHT DEFINED.—In this section the
20 term “bidding right” means an appropriate legal instru-
21 ment or other written documentation, including an entry
22 in an account managed by the Secretary, issued or created
23 under part 3435 of title 43, Code of Federal Regulations,
24 that may be used—

1 (1) in lieu of a monetary payment for a bonus
2 bid for a coal lease sale under the Mineral Leasing
3 Act (30 U.S.C. 181 et seq.); or

4 (2) as a monetary credit against any rental or
5 royalty payments due under any Federal coal lease.

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