

113TH CONGRESS
2D SESSION

H. R. 5176

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

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

1 for relinquishment of the coal preference right lease appli-
2 cation, including, notwithstanding any other provision of
3 law, payment to the relevant State of 50 percent of the
4 dollar amount of any bidding right subsequently used in
5 lieu of any monetary payment of a bonus in a coal lease
6 sale or of rental or royalty under a Federal coal lease.

7 (b) SOURCE OF PAYMENTS.—The Secretary shall
8 make payments under subsection (a) from monies that
9 would otherwise be deposited to miscellaneous receipts
10 under section 35(a) of the Mineral Leasing Act (30 U.S.C.
11 191(a)) from revenues received under that section under
12 Federal mineral leases.

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

17 (d) TRANSFERABILITY; LIMITATION.—

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

21 (2) NOTIFICATION OF SECRETARY.—A person
22 who transfers such a bidding right shall notify the
23 Secretary of the transfer by any method determined
24 to be appropriate by the Secretary.

25 (3) EFFECTIVE PERIOD.—

1 (A) IN GENERAL.—A bidding right issued
2 under this section shall terminate upon the ex-
3 piration of the 5-year period beginning on the
4 date it is issued.

5 (B) TOLLING OF PERIOD.—Such 5-year
6 period shall be tolled during any period in
7 which exercise of the bidding right is precluded
8 by temporary injunctive relief granted under, or
9 administrative, legislative, or judicial suspension
10 of, the Federal coal leasing program.

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

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

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

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