

108TH CONGRESS  
2D SESSION

# S. 203

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## AN ACT

To provide for the sale of bentonite in Big Horn County,  
Wyoming.

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. SHORT TITLE.**

4 This Act may be cited as the “Big Horn Bentonite  
5 Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COVERED LAND.—The term “covered land”  
4 means the approximately 20 acres of previously  
5 withdrawn land located in the E<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of  
6 sec. 32, T. 56N., R. 95W., sixth principal meridian,  
7 Big Horn County, Wyoming.

8 (2) SECRETARY.—The term “Secretary” means  
9 the Secretary of the Interior.

10 **SEC. 3. AUTHORIZATION OF MINING AND REMOVAL OF**  
11 **BENTONITE.**

12 (a) IN GENERAL.—Notwithstanding the withdrawal  
13 of the covered land for military purposes, the Secretary  
14 may, with the consent of the Secretary of the Army, per-  
15 mit the mining and removal of bentonite on the covered  
16 land.

17 (b) SOLE-SOURCE CONTRACT.—The Secretary shall  
18 enter into a sole-source contract for the mining and re-  
19 moval of the bentonite from the covered land that provides  
20 for the payment to the Secretary of \$1.00 per ton of ben-  
21 tonite removed from the covered land.

22 (c) TERMS AND CONDITIONS.—

23 (1) IN GENERAL.—Mining and removal of ben-  
24 tonite under this Act shall be subject to such terms  
25 and conditions as the Secretary may prescribe for—

1 (A) the prevention of unnecessary or undue  
2 degradation of the covered land; and

3 (B) the reclamation of the covered land  
4 after the bentonite is removed.

5 (2) REQUIREMENTS.—The terms and condi-  
6 tions prescribed under paragraph (1) shall be at  
7 least as protective of the covered land as the terms  
8 and conditions established for Pit No. 144L (BLM  
9 Case File WYW136110).

10 (3) LAND USE PLAN.—In carrying out the pro-  
11 visions of this Act, the Secretary is not required to  
12 amend any land use plan under section 202 of the  
13 Federal Land Policy and Management Act of 1976  
14 (43 U.S.C. 1712).

15 (4) TERMINATION OF INTEREST.—On comple-  
16 tion of the mining and reclamation authorized under  
17 this Act, any party that has entered into the sole-  
18 source contract with the Secretary under subsection  
19 (b) shall have no remaining interest in the covered  
20 land.

21 **SEC. 4. CLOSURE.**

22 (a) IN GENERAL.—If the Secretary of the Army noti-  
23 fies the Secretary that closure of the covered land is re-  
24 quired because of a national emergency or for the purpose

1 of national defense or national security, the Secretary  
2 shall—

3           (1) order the suspension of any activity author-  
4 ized by this Act on the covered land; and

5           (2) close the covered land until the Secretary of  
6 the Army notifies the Secretary that the closure is  
7 no longer necessary.

8           (b) LIABILITY.—Neither the Secretary nor the Sec-  
9 retary of the Army shall be liable for damages from a clo-  
10 sure of the covered land under subsection (a).

Passed the Senate September 15, 2004.

Attest:

*Secretary.*

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2<sup>D</sup> SESSION

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