

REPEAL OF RESERVATION OF MINERAL RIGHTS,
LIVINGSTON PARISH, LOUISIANA

SEPTEMBER 25, 2002.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3896]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3896) to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102-562, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 3896 is to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102-562.

BACKGROUND AND NEED FOR LEGISLATION

The land in question was held in private ownership when the United States purchased the Louisiana Territory from France in 1803. During the French Regime, Napoleonic Law maintained that all private land ownership applied exclusively to the surface rights, while subsurface (mineral) rights were the property of the French government. When Louisiana was purchased by the United States, and subsequently became a state in 1812, ownership of all privately held parcels of land entitled settlers to surface and mineral rights.

For the United States and Louisiana to recognize a settler's right to a parcel of land, Congress required a Commissioner's Report to certify a settler's entitlement of possession. On March 3, 1819, Congress passed an act for "adjusting the claims to Land establishing

land-offices in the District east of the island of New Orleans.” Specifically, this act was designed to resolve disputes and claims in the southeastern region of Louisiana, north of New Orleans, where the land in question is located. Pursuant to this act, a Commissioner’s Report was issued May 1, 1820, verifying the land owner’s entitlement to land.

On December 17, 1824, an Order of Survey was signed by a federal land agent further asserting the landowner’s claim and specifically indicating the dimensions of the property. This and the Commissioner’s Report are required before the United States would issue a land patent. For unknown reasons, these documents were not received in Washington, DC.

On December 2, 1875, the Surveyor General of the United States reasserted the land owner’s claim to the property and acknowledged the “clerical” negligence of the register (also called “recorder”) to provide all necessary information required for landowner’s patent. For unknown reasons, these documents were not thoroughly processed, similar to numerous other patent cases in Louisiana, a state that at the time remained under federal military jurisdiction.

From 1875 to 1970 the federal government neither issued the landowner a patent nor removed him from the property. In the late 1960s and early 1970s the federal government surveyed the inventory of Louisiana properties and discovered no patent had been issued for the Livingston Parish property in question. During this time, Senator Allen Ellender attempted to resolve the matter, but passed away. The issue remained unattended until 1992 when Representative Richard Baker and Senator J. Bennet Johnston passed legislation that became P.L. 102–948, which conveyed only the surface rights of the land, not the mineral rights. H.R. 3896 is designed to restore the mineral rights to the private landowners in Livingston Parish, Louisiana.

COMMITTEE ACTION

H.R. 3896 was introduced on March 7, 2002 by Mr. Baker of Louisiana. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Energy and Mineral Resources. On September 12, 2002, the Full Resources Committee met to consider the bill. The Subcommittee on Energy and Mineral Resources was discharged from further consideration of the bill. The bill was then ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, H.R. 3896 could result in forgone offsetting receipts but they estimate that any such effects would be negligible.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to repeal the reservation of mineral rights made by the United States when certain lands in Livingston, Parish, Louisiana, were conveyed by Public Law 102-562.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 24, 2002.

Hon. JAMES V. HANSEN,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3896, a bill to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102-562.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

H.R. 3896—A bill to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102-562

CBO estimates that enacting H.R. 3896 would have no significant impact on the federal budget. The bill could result in forgone offsetting receipts (a credit against direct spending); therefore, pay-as-you-go procedures would apply, but we estimate that any such effects would be negligible. H.R. 3896 contains no intergovern-

mental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

Public Law 102–562 directed the Secretary of the Interior to convey to private landowners the surface estate to 640 acres of federal lands in Louisiana. H.R. 3896 would eliminate a provision in that law that reserved mineral rights to those lands for the federal government. In doing so, the bill effectively would convey those rights to the owners of the surface estate.

Conveying the rights to mineral resources could result in forgone offsetting receipts if, under current law, those resources would generate income from federal programs to develop them. According to the Bureau of Land Management, however, the agency currently collects no significant receipts from such programs and does not expect to do so over the next 10 years. Hence, CBO estimates that any forgone receipts under H.R. 3896 would be negligible.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets and existing law in which no change is proposed is shown in roman):

SECTION 102 OF THE ACT OF OCTOBER 28, 1992

(Public Law 102–562)

AN ACT to authorize and direct the Secretary of the Interior to convey certain lands in Livingston Parish, Louisiana, and for other purposes.

SEC. 102. CONVEYANCE OF LANDS.

[(a) IN GENERAL.—]Notwithstanding any other provision of law, [and subject to the reservation in subsection (b),] the United States hereby grants all right, title, and interest of the United States in and to certain lands in Livingston Parish, Louisiana, as described in section 103, to those parties who, as of the date of enactment of this Act, would be recognized as holders of a right, title, or interest to any portion of such lands under the laws of the State of Louisiana, but for the interest of the United States in such lands.

[(b) RESERVATION OF MINERAL RIGHTS.—]The United States hereby excepts and reserves from the provisions of subsection (a) of this section, all minerals underlying such lands, along with the right to prospect for, mine, and remove the minerals under applicable law

and such regulations as the Secretary of the Interior may prescribe.】

