

Opinion of REHNQUIST, C. J.

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SUPREME COURT OF THE UNITED STATES

No. 02–1593

BEDROC LIMITED, LLC, AND WESTERN ELITE, INC.,
PETITIONERS *v.* UNITED STATES ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[March 31, 2004]

CHIEF JUSTICE REHNQUIST announced the judgment of the Court and delivered an opinion, in which JUSTICE O’CONNOR, JUSTICE SCALIA, and JUSTICE KENNEDY join.

The question here is whether sand and gravel are “valuable minerals” reserved to the United States in land grants issued under the Pittman Underground Water Act of 1919 (Pittman Act or Act), ch. 77, 41 Stat. 293. We hold they are not.

Beginning with the Homestead Act of 1862, ch. 75, 12 Stat. 392, and stretching into the early 20th century, Congress enacted a series of land-grant statutes aimed at settling the American frontier. One of these was the Pittman Act. That Act sought to succeed where earlier homestead laws had failed: promoting development and population growth in the State of Nevada. H. R. Rep. No. 286, 66th Cong., 1st Sess., 2 (1919).¹ It was thought that Nevada’s lack of surface water resources was hindering its

¹The population of Nevada in 1910 was only 81,875; by 1920, it had fallen to 77,407. Less than 11% of Nevada’s 112,000 square miles of land was privately owned. H. R. Rep. No. 286, at 2.

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agricultural progress. *Ibid.* After rejecting various proposals to directly fund exploration for underground water, Congress enacted the Pittman Act to encourage private citizens to prospect for water in Nevada. *Id.*, at 1.

Nevada lies in the heart of the Great Basin, that part of the United States lying roughly between the Sierra Nevada Range on the west and the Wasatch and other mountain ranges on the east. The western face of the Sierra Nevada blocks rain-bearing winds off the Pacific Ocean from reaching the Great Basin, forming a rain shadow over the entire region. Nevada has, on the average, less precipitation than any other State in the Union. This is one reason why most of its rivers, instead of eventually flowing into the sea, disappear into “sinks.”⁵ The New Encyclopaedia Britannica, 442 (15th ed. 1985); Department of Agriculture Yearbook, Climate and Man 987–988 (1941) (cited in *Nevada v. United States*, 463 U. S. 110, 114 (1983)).

The Pittman Act authorized the Secretary of the Interior to designate certain “nonmineral” lands² in Nevada, on which settlers could obtain permits to drill for water. §§1–2, 41 Stat. 293–294. Any settler who could demonstrate successful irrigation of at least 20 acres of crops was eligible for a land grant, or patent, of up to 640 acres. §5, *id.*, at 294. Of central importance here, each patent issued under the Act was required to contain “a reservation to the United States of all the coal and other valuable minerals in the lands . . . , together with the right to prospect for, mine and remove the same.” §8, *id.*, at 295. By virtue of this reservation, the United States was free to dispose of the “coal and other valuable mineral deposits in such

²“Nonmineral” lands are “more valuable for agricultural or other purposes than for the minerals [they] contain[.]” *Watt v. Western Nuclear, Inc.*, 462 U. S. 36, 48, n. 9 (1983).

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lands” in accordance with “the provisions of the coal and mineral land laws in force at the time of such disposal.” *Ibid.*

The Pittman Act failed to significantly advance agricultural development in Nevada, S. Rep. No. 1282, 88th Cong., 2d Sess., 1 (1964), and Congress repealed it in 1964, Pub. L. 88–417, 78 Stat. 389. The repealing legislation, however, expressly reserved the rights of existing patentees. *Ibid.*

Two such patentees, Newton and Mabel Butler, were the predecessors-in-interest of the petitioners in this case. In 1940, the Butlers obtained a patent for 560 acres of land in Lincoln County, some 65 miles north of Las Vegas. As required by the Act, the patent reserved the “coal and other valuable minerals” to the United States. Common sand and gravel were plentiful and visible on the surface of the Butlers’ land, but there was no commercial market for them due to Nevada’s sparse population and the land’s remote location. App. 10, 11.

Earl Williams acquired the Butler property in 1993. By that time, the expansion of Las Vegas had created a commercial market for the sand and gravel on the land. Shortly after Williams began extracting the sand and gravel, however, the Bureau of Land Management (BLM) served him with trespass notices pursuant to 43 CFR §9239.0–7 (1993) (providing that any unauthorized removal of “mineral materials” from public lands is “an act of trespass”). When Williams challenged the notices, the BLM ruled that by removing sand and gravel Williams had trespassed against the Government’s reserved interest in the “valuable minerals” on the property. The Interior Board of Land Appeals affirmed that decision. *Earl Williams*, 140 I. B. L. A. 295 (1997). Meanwhile, petitioner BedRoc Limited, LLC (BedRoc), acquired the Butler

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property from Williams in 1995.³ BedRoc continued to remove sand and gravel under an interim agreement with the Department of the Interior, pending final resolution of the ownership dispute.

Petitioners filed an action in the United States District Court seeking to quiet title to the sand and gravel on the Butler property. The District Court granted summary judgment to the Government, holding that the contested sand and gravel are “valuable minerals” reserved to the United States by the Pittman Act. 50 F. Supp. 2d 1001 (Nev. 1999). The United States Court of Appeals for the Ninth Circuit affirmed, relying primarily on the legislative history of the Pittman Act and our decision in *Watt v. Western Nuclear, Inc.*, 462 U. S. 36 (1983). 314 F. 3d 1080 (2002). We granted certiorari, 539 U. S. 986 (2003), and now reverse.

In *Western Nuclear, supra*, we construed the mineral reservation in the Stock-Raising Homestead Act of 1916 (SRHA), 39 Stat. 862, 43 U. S. C. §291 *et seq.*—“the most important . . . land-grant statut[e] enacted in the early 1900’s.” 462 U. S., at 47. Unlike the Pittman Act, the SRHA was not limited to Nevada; it applied to any “public lands” the Secretary of the Interior designated as “stock-raising lands.” 43 U. S. C. §291 (1976 ed.) (repealed by Pub. L. 94–579, 90 Stat. 2787). A person could obtain a patent under the SRHA if he resided on stock-raising lands for three years, *ibid.*, and “ma[de] permanent improvements upon the land . . . tending to increase the value of the [land] for stock-raising purposes,” §293 (repealed by Pub. L. 94–579, 90 Stat. 2787). The SRHA’s mineral reservation was identical to the Pittman Act’s in every respect, save one: Whereas the SRHA reserved to

³In 1996, BedRoc conveyed 40 of its 560 acres to petitioner Western Elite, Inc.

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the United States “all the coal and other minerals,” §299 (2000 ed.), the Pittman Act reserved “all the coal and other *valuable* minerals,” §8, 41 Stat. 295 (emphasis added).

The question before us in *Western Nuclear* was “whether gravel found on lands patented under the [SRHA] is a mineral reserved to the United States.” 462 U. S., at 38. A closely divided Court held that it is. *Id.*, at 60. After determining that “neither the dictionary nor the legal understanding of the term ‘minerals’ that prevailed in 1916 sheds much light on the question before us,” we turned to the purpose and history of the SRHA. *Id.*, at 46–47. We observed that the SRHA, like other land-grant Acts containing mineral reservations, sought to “facilitate development of both surface and subsurface resources.” *Id.*, at 49–52. We therefore reasoned that “the determination of whether a particular substance is included in the surface estate or the mineral estate should be made in light of the use of the surface estate that Congress contemplated.” *Id.*, at 52. Accordingly, we interpreted the SRHA’s mineral reservation to include “substances that are mineral in character (*i.e.*, that are inorganic), that can be removed from the soil, that can be used for commercial purposes, and that there is no reason to suppose were intended to be included in the surface estate.” *Id.*, at 53. Because we thought it unlikely that Congress would have made the exploitation of gravel deposits dependent on farmers and ranchers “whose interests were known to lie elsewhere,” and because gravel met our other criteria, we concluded that it is indeed a “mineral” reserved to the United States. *Id.*, at 55–60.⁴

⁴Four Justices vigorously disagreed with the Court’s approach. *Id.*, at 60–72 (Powell, J., joined by REHNQUIST, STEVENS, and O’CONNOR, JJ., dissenting). The dissenters pointed out that at the time the SRHA was enacted the Department of the Interior “had ruled consistently that gravel was not a mineral under the general mining laws.” *Id.*, at 62–

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The Government argues that our rationale in *Western Nuclear* compels the outcome in this case, notwithstanding the Pittman Act's seemingly narrower reservation of "valuable" minerals. Petitioners, for their part, argue that *Western Nuclear* should be distinguished on this ground or, in the alternative, overruled altogether. While we share the concerns expressed in the *Western Nuclear* dissent, see n. 4, *supra*, we decline to overrule our recent precedent. By the same token, we will not extend *Western Nuclear*'s holding to conclude that sand and gravel are "valuable minerals."

Whatever the correctness of *Western Nuclear*'s broad construction of the term "minerals," we are not free to so expansively interpret the Pittman Act's reservation. In *Western Nuclear*, we had no choice but to speculate about congressional intent with respect to the scope of the amorphous term "minerals." Here, by contrast, Congress has textually narrowed the scope of the term by using the modifier "valuable."⁵

The preeminent canon of statutory interpretation re-

67. Furthermore, the ultimate congressional purpose behind the SRHA was settling the West, not stockraising, the dissenters argued, and this purpose would have been thwarted if potential settlers thought the Government had reserved "commonplace substances that actually constitute much of the soil." *Id.*, at 71–72.

⁵Despite the textual difference, JUSTICE STEVENS nonetheless finds *Western Nuclear* dispositive because, according to him, "the Court's interpretation of the term 'mineral' in the SRHA included the requirement that the material be valuable." *Post*, at 2. That is not quite correct. *Western Nuclear* defined "minerals," in part, as substances "that can be used for commercial purposes" and that "have separate value" from the soil. 462 U. S., at 53–54. However, as the remainder of our opinion explains, the minimal inquiry into whether a substance might at some point have separate value from the soil and might, in the abstract, be susceptible of commercial use is a far different inquiry from whether the substance is a "valuable mineral" as Congress used the term in 1919.

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quires us to “presume that [the] legislature says in a statute what it means and means in a statute what it says there.” *Connecticut Nat. Bank v. Germain*, 503 U. S. 249, 253–254 (1992). Thus, our inquiry begins with the statutory text, and ends there as well if the text is unambiguous. *Lamie v. United States Trustee*, 540 U. S. ____, ____ (2004) (slip. op., at 6); *Hartford Underwriters Ins. Co. v. Union Planters Bank, N. A.*, 530 U. S. 1, 6 (2000); *Hughes Aircraft Co. v. Jacobson*, 525 U. S. 432, 438 (1999); *Connecticut Nat. Bank*, *supra*, at 254. We think the term “valuable” makes clear that Congress did not intend to include sand and gravel in the Pittman Act’s mineral reservation.

“In interpreting statutory mineral reservations like the one at issue here, we have emphasized that Congress ‘was dealing with a practical subject in a practical way’ and that it intended the terms of the reservation to be understood in ‘their ordinary and popular sense.’” *Amoco Production Co. v. Southern Ute Tribe*, 526 U. S. 865, 873 (1999) (quoting *Burke v. Southern Pacific R. Co.*, 234 U. S. 669, 679 (1914)). Importantly, the proper inquiry focuses on the ordinary meaning of the reservation at the time Congress enacted it. *Amoco Production Co.*, *supra*, at 874; *Leo Sheep Co. v. United States*, 440 U. S. 668, 682 (1979) (land-grant statutes should be interpreted in light of “the condition of the country when the acts were passed” (internal quotation marks omitted)); see also *Perrin v. United States*, 444 U. S. 37, 42 (1979) (“[U]nless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning” at the time Congress enacted the statute). Because the Pittman Act applied only to Nevada, the ultimate question is whether the sand and gravel found in Nevada were commonly regarded as “valuable minerals” in 1919.

Common sense tells us, and the Government does not contest, that the answer to that question is an emphatic

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“No.” Sand and gravel were, and are, abundant throughout Nevada; they have no intrinsic value; and they were commercially worthless in 1919 due to Nevada’s sparse population and lack of development.⁶ Thus, even if Nevada’s sand and gravel were regarded as minerals, no one would have mistaken them for *valuable* minerals. The Government argues only that sand and gravel were commercially marketable in other parts of the United States during World War I and that there is now a market for sand and gravel in some parts of Nevada. As we have explained, this evidence is simply irrelevant to the proper inquiry into the meaning of the statutory mineral reservation. Cf. *Amoco Production Co.*, 526 U. S., at 873–880 (relying on the popular meaning of “coal” in 1909 and 1910 to hold that a reservation of “coal” does not include coalbed methane gas). Because we readily conclude that the “most natural interpretation” of the mineral reservation does not encompass sand and gravel, we “need not consider the applicability of the canon that ambiguities in land grants are construed in favor of the sovereign.” *Id.*, at 880.

The statutory context of the Pittman Act’s mineral reservation further confirms its ordinary meaning. The sentence directly following the reservation provides that the reserved “valuable mineral deposits . . . shall be subject to disposal by the United States in accordance with the provisions of the . . . mineral land laws in force at the time of such disposal.” §8, 41 Stat. 295. Here, Congress was explicitly cross-referencing the General Mining Act of 1872, currently codified at Rev. Stat. §2319, 30 U. S. C. §22. Then, as now, the General Mining Act provided that “all valuable mineral deposits in lands belonging to the United States . . . shall be free and open to exploration and

⁶Indeed, as petitioners aptly point out, “[e]ven the most enterprising settler could not have sold sand in the desert.” Brief for Petitioners 6.

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purchase . . . under regulations prescribed by law.” *Ibid.* We can therefore infer that the reserved “valuable minerals” in Pittman Act lands were the same class of minerals that could be located and disposed of under the General Mining Act. Cf. *Western Nuclear*, 462 U. S., at 59 (drawing same inference from nearly identical mineral reservation).

It is beyond dispute that when the Pittman Act became law in 1919, common sand and gravel could not constitute a locatable “valuable mineral deposit” under the General Mining Act. The Secretary of the Interior had held as much in *Zimmerman v. Brunson*, 39 L. D. 310 (1910), see *Western Nuclear*, *supra*, at 45 (discussing *Zimmerman*); 462 U. S., at 63–65 (Powell, J., dissenting) (same), and this remained the Department’s position until 1929, when it overruled *Zimmerman* in *Layman v. Ellis*, 52 L. D. 714, see, e.g., *Western Nuclear*, *supra*, at 65–69 (Powell, J., dissenting); *Robert L. Beery*, 83 I. D. 249, 253 (1976) (“Prior to 1929 sand and gravel were not considered locatable under the general mining law”).⁷ Thus, in the unlikely event that some ambitious prospector had sought a patent from the United States in 1919 to extract sand and gravel from Pittman Act lands, the Secretary of the Interior would have flatly refused him.

The Government is correct that the *Western Nuclear* Court sidestepped the impact of this line of reasoning by relying on the ambiguity of the term “minerals” and the possibility that Congress was not aware of Interior’s *Zimmerman* decision, see 462 U. S., at 45–47. But we decline to extend that approach beyond the SRHA. In our analy-

⁷ Congress restored the *Zimmerman* rule in 1955 when it enacted the Surface Resources Act, §3, 69 Stat. 368, 30 U. S. C. §611 (“No deposit of common varieties of sand [and] gravel . . . shall be deemed a valuable mineral deposit within the meaning of the mining laws of the United States . . .”).

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sis, the statutory structure of the Pittman Act convincingly reinforces the unambiguous meaning of the term “valuable minerals.”

Notwithstanding the contemporaneous plain meaning of the Pittman Act’s mineral reservation, the Government argues that the Act’s legislative history counsels us to give “valuable minerals” precisely the same meaning we ascribed to “minerals” in *Western Nuclear*. Because we have held that the text of the statutory reservation clearly excludes sand and gravel, we have no occasion to resort to legislative history. See, e.g., *Lamie*, 540 U. S., at ___, ___ (slip op., at 6, 9); *Hartford Underwriters*, 530 U. S., at 6; *Hughes Aircraft Co.*, 525 U. S., at 438; *Connecticut Nat. Bank*, 503 U. S., at 254. Having declined to extend *Western Nuclear*’s rationale to a statute where the plain meaning will not support it, we will not allow it in through the back door by presuming that “the legislature was ignorant of the meaning of the language it employed.” *Montclair v. Ramsdell*, 107 U. S. 147, 152 (1883).⁸

⁸While JUSTICE STEVENS does not contest the plain meaning of the Pittman Act’s mineral reservation, he nonetheless takes us to task for “refusing to examine” the legislative history proffered by the Government and thereby engaging in a “deliberately uninformed” and “unconstrained” method of statutory interpretation. *Post*, at 2–4. Of course, accepting JUSTICE STEVENS’ approach would require a radical abandonment of our longstanding precedents that permit resort to legislative history only when necessary to interpret ambiguous statutory text. Chief Justice Marshall in 1805 stated the principle that definitively resolves this case nearly 200 years later: “Where a law is plain and unambiguous, whether it be expressed in general or limited terms, the legislature should be intended to mean what they have plainly expressed, and consequently no room is left for construction.” *United States v. Fisher*, 2 Cranch 358, 399. We thus cannot accept JUSTICE STEVENS’ invitation to presume that Congress expressed itself in a single House Committee Report rather than in the unambiguous statutory text approved by both Houses and signed by the President. We fail to see, moreover, how a court exercises unconstrained discretion

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The judgment of the United States Court of Appeals for the Ninth Circuit is therefore reversed, and the case is remanded for further proceedings.

It is so ordered.

when it carries out its “sole function” with respect to an unambiguous statute, namely, to “enforce it according to its terms.” *Caminetti v. United States*, 242 U. S. 470, 485 (1917).