

108TH CONGRESS  
1ST SESSION

# H. R. 3303

To facilitate acquisition by the Secretary of the Interior of certain mineral rights, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2003

Mr. UDALL of Colorado (for himself and Mr. BEAUPREZ) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To facilitate acquisition by the Secretary of the Interior of certain mineral rights, 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. SHORT TITLE, FINDINGS, AND PURPOSE.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Rocky Flats Minerals Acquisition Act”.

6       (b) FINDINGS.—The Congress finds the following:

7           (1) Pursuant to the Rocky Flats Wildlife Ref-  
8       uge Act of 2001 (Subtitle F of Public Law 107-  
9       107), upon completion of its cleanup and closure,  
10       the Rocky Flats Environmental Technology Site, in

1 Colorado, will be transferred to the Department of  
2 the Interior and managed as a unit of the National  
3 Wildlife Refuge System.

4 (2) Acquisition by the United States of certain  
5 mineral rights associated with Rocky Flats is desir-  
6 able in order to—

7 (A) further sound management of the site  
8 as a wildlife refuge; and

9 (B) reduce the long-term responsibility of  
10 the Department of Energy.

11 (3) The likelihood of acquiring such rights will  
12 be increased by providing the Secretary of the Inter-  
13 ior with additional methods for completion of the  
14 acquisition.

15 (c) PURPOSE.—The purpose of this Act is to facili-  
16 tate acquisition of mineral and other rights associated  
17 with the Rocky Flats site by authorizing the Secretary of  
18 the Interior to convey to the owners of such rights, with  
19 the concurrence of such owners, monetary credits or inter-  
20 ests in certain public lands, instead of or in addition to  
21 making cash payments for such rights.

22 **SEC. 2. AUTHORITY TO ACQUIRE MINERAL INTERESTS.**

23 Section 3174 of Public Law 107–107 (115 Stat.  
24 1381) is amended by adding at the end the following:

25 “(g) ACQUISITION OF MINERAL RIGHTS.—

1                 “(1) IN GENERAL.—The Secretary of the Interior  
2                 may acquire mineral interests, including interests in sand and gravel, and any other non-Federal  
3                 interests in lands or waters, within Rocky Flats  
4                 by—

6                 “(A) purchase with funds available to the  
7                 Secretary for such purpose;

8                 “(B) exchange under section 206 of the  
9                 Federal Land Policy and Management Act of  
10                 1976 (43 U.S.C. 1716);

11                 “(C) issuance of credits in an amount  
12                 equal to some or all of the market value of the  
13                 mineral or other interests acquired, with the  
14                 concurrence of the person transferring such inter-  
15                 ests to the United States; or

16                 “(D) any combination of the means de-  
17                 scribed in subparagraphs (A), (B), and (C).

18                 “(2) DEFINITION OF CREDITS.—For purposes  
19                 of this subsection, the term ‘credits’ means appro-  
20                 priate legal instruments or other written documenta-  
21                 tion, or an entry in an account managed by the Sec-  
22                 retary of the Interior, that can be used in lieu of any  
23                 other monetary payment—

24                 “(A) for bonus bids for lease sales on the  
25                 Outer Continental Shelf; or

1                     “(B) for royalty due on oil or gas produc-  
2                     tion under any lease of an area located on the  
3                     Outer Continental Shelf outside the zone de-  
4                     scribed in section 8(g)(2) of the Outer Conti-  
5                     nental Shelf Lands Act (43 U.S.C. 1337(g)(2)).

6                     “(3) TRANSFERABILITY OF CREDITS.—Any  
7                     credits issued under this subsection shall be freely  
8                     transferable to any other person, if the transferor  
9                     notifies the Secretary of the Interior of the transfer  
10                    by such method as the Secretary may specify.

11                    “(4) EXPIRATION.—Any credits issued under  
12                    this subsection must be used within 10 years after  
13                    the date on which they are issued.

14                    “(5) ACQUISITION THROUGH EXCHANGE.—

15                    “(A) SAME-STATE RESTRICTION NOT AP-  
16                    PLICABLE.—The requirement under section  
17                    206(b) of the Federal Land Policy and Manage-  
18                    ment Act of 1976 (43 U.S.C. 1716(b)) that  
19                    lands or interests exchanged under that section  
20                    must be located in the same State shall not  
21                    apply to land (or an interest in land) in Rocky  
22                    Flats that is acquired by the United States in  
23                    an exchange under that section.

24                    “(B) LIMITATION.—(i) Nothing in this  
25                    subsection shall be construed as authorizing

1           disposal of any public land or interest therein  
2           that has not been identified as suitable for dis-  
3           posal pursuant to section 203 of the Federal  
4           Land Policy and Management Act of 1976 (43  
5           U.S.C. 1713).

6           “(ii) No lands or interests therein outside  
7           the exterior boundaries of Rocky Flats may be  
8           acquired by the Federal Government for the  
9           purposes of this Act except with the consent of  
10          the owner thereof.

11          “(6) MANAGEMENT OF ACQUIRED INTER-  
12          ESTS.—Any interests acquired by the United States  
13          under this subsection shall be managed by the Sec-  
14          retary of the Interior under the standards that apply  
15          to the Rocky Flats National Wildlife Refuge. No  
16          minerals acquired under this subsection shall be sub-  
17          ject to development or disposal by the United States  
18          or any other party under any law related to minerals  
19          owned by the United States.

20          “(7) RELATION TO OTHER AUTHORITY.—The  
21          authorities provided to the Secretary of the Interior  
22          by this subsection are in addition to any other au-  
23          thority available to the Secretary with regard to ac-

1        quisition of non-Federal interests located within  
2        Rocky Flats.”.

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