

111TH CONGRESS
2D SESSION

H. R. 6335

To amend the Mineral Leasing Act to permanently withdraw all Federal lands from location and entry for uranium mining, to provide for leasing of such lands under such Act for uranium mining, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Mr. HEINRICH introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To amend the Mineral Leasing Act to permanently withdraw all Federal lands from location and entry for uranium mining, to provide for leasing of such lands under such Act for uranium mining, 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.**

4 This Act may be cited as the “Uranium Mining Mod-
5 ernization Act”.

1 **SEC. 2. FEDERAL LANDS URANIUM LEASING.**

2 The Mineral Leasing Act (30 U.S.C. 181 et seq.) is
3 amended by redesignating section 44 as section 45, and
4 by inserting after section 43 the following new section:

5 **“SEC. 44. LEASING OF LANDS FOR URANIUM MINING.**

6 “(a) IN GENERAL.—

7 “(1) WITHDRAWAL FROM ENTRY; LEASING RE-
8 QUIREMENT.—Effective upon the date of enactment
9 of this section, all Federal lands are hereby perma-
10 nently withdrawn from location and entry under sec-
11 tion 2319 of the Revised Statutes (30 U.S.C. 22 et
12 seq.) for uranium. After the end of the 2-year period
13 beginning on such date of enactment, no uranium
14 may be produced from Federal lands except pursu-
15 ant to a lease issued under this Act.

16 “(2) LEASING.—The Secretary—

17 “(A) may divide any lands subject to this
18 Act that are not withdrawn from mineral leas-
19 ing and that are otherwise available for ura-
20 nium leasing under applicable law, including
21 lands available under the terms of land use
22 plans prepared by the Federal agency managing
23 the land, into leasing tracts of such size as the
24 Secretary finds appropriate and in the public
25 interest; and

1 “(B) thereafter shall, in the Secretary’s
2 discretion, upon the request of any qualified ap-
3 plicant or on the Secretary’s own motion, from
4 time to time, offer such lands for uranium leas-
5 ing and award uranium leases thereon by com-
6 petitive bidding.

7 “(b) FAIR MARKET VALUE REQUIRED.—

8 “(1) IN GENERAL.—No bid for a uranium lease
9 shall be accepted that is less than the fair market
10 value, as determined by the Secretary, of the ura-
11 nium subject to the lease.

12 “(2) PUBLIC COMMENT.—Prior to the Sec-
13 retary’s determination of the fair market value of
14 the uranium subject to the lease, the Secretary shall
15 give opportunity for and consideration to public com-
16 ments on the fair market value.

17 “(3) DISCLOSURE NOT REQUIRED.—Nothing in
18 this section shall be construed to require the Sec-
19 retary to make public the Secretary’s judgment as to
20 the fair market value of the uranium to be leased,
21 or the comments the Secretary receives thereon prior
22 to the issuance of the lease.

23 “(c) LANDS UNDER THE JURISDICTION OF OTHER
24 AGENCIES.—Leases covering lands the surface of which

1 is under the jurisdiction of any Federal agency other than
2 the Department of the Interior may be issued only—

3 “(1) upon consent of the head of the other Fed-
4 eral agency; and

5 “(2) upon such conditions the head of such
6 other Federal agency may prescribe with respect to
7 the use and protection of the nonmineral interests in
8 those lands.

9 “(d) CONSIDERATION OF EFFECTS OF MINING.—Be-
10 fore issuing any uranium lease, the Secretary shall con-
11 sider effects that mining under the proposed lease might
12 have on an impacted community or area, including im-
13 pacts on the environment, on agricultural, on cultural re-
14 sources, and other economic activities, and on public serv-
15 ices.

16 “(e) NOTICE OF PROPOSED LEASE.—No lease sale
17 shall be held for lands until after a notice of the proposed
18 offering for lease has been given once a week for three
19 consecutive weeks in a newspaper of general circulation
20 in the county in which the lands are situated, or in elec-
21 tronic format, in accordance with regulations prescribed
22 by the Secretary.

23 “(f) AUCTION REQUIREMENTS.—All lands to be
24 leased under this section shall be leased to the highest re-
25 sponsible qualified bidder—

1 “(1) under general regulations;

2 “(2) in units of not more than 2,560 acres that
3 are as nearly compact as possible; and

4 “(3) by oral bidding.

5 “(g) REQUIRED PAYMENTS.—

6 “(1) IN GENERAL.—A lease under this section
7 shall be conditioned upon the payment by the lessee
8 of—

9 “(A) a royalty at a rate of not less than
10 12.5 percent in amount or value of the produc-
11 tion removed or sold under the lease; and

12 “(B) a rental of—

13 “(i) not less than \$2.50 per acre per
14 year for the first through fifth years of the
15 lease; and

16 “(ii) not less than \$3 per acre per
17 year for each year thereafter.

18 “(2) USE OF REVENUES.—Amounts received as
19 revenues under this subsection with respect to a
20 lease may be used by the Secretary of the Interior,
21 subject to the availability of appropriations, for
22 cleaning up uranium mill tailings and reclaiming
23 abandoned uranium mines on Federal lands in ac-
24 cordance with the priorities and eligibility restric-
25 tions, respectively, under subsections (c) and (d) of

1 section 411 of the Surface Mining Control and Rec-
2 lamation Act of 1977 (30 U.S.C. 1240a).

3 “(h) LEASE TERM.—A lease under this section—

4 “(1) shall be effective for a primary term of 10
5 years; and

6 “(2) shall continue in effect after such primary
7 term for so long as uranium is produced under
8 the lease in paying quantities.

9 “(i) EXPLORATION LICENSES.—

10 “(1) IN GENERAL.—The Secretary may, under
11 such regulations as the Secretary may prescribe,
12 issue to any person an exploration license. No per-
13 son may conduct uranium exploration for commer-
14 cial purposes on lands subject to this Act without
15 such an exploration license. Each exploration license
16 shall be for a term of not more than two years and
17 shall be subject to a reasonable fee. An exploration
18 license shall confer no right to a lease under this
19 Act. The issuance of exploration licenses shall not
20 preclude the Secretary from issuing uranium leases
21 at such times and locations and to such persons as
22 the Secretary deems appropriate. No exploration li-
23 cense may be issued for any land on which a ura-
24 nium lease has been issued. A separate exploration
25 license shall be required for exploration in each

1 State. An application for an exploration license shall
2 identify general areas and probable methods of ex-
3 ploration. Each exploration license shall be limited
4 to specific geographic areas in each State as deter-
5 mined by the Secretary, and shall contain such rea-
6 sonable conditions as the Secretary may require, in-
7 cluding conditions to ensure the protection of the en-
8 vironment, and shall be subject to all applicable Fed-
9 eral, State, and local laws and regulations. Upon vio-
10 lation of any such conditions or laws the Secretary
11 may revoke the exploration license.

12 “(2) LIMITATIONS.—A licensee may not cause
13 substantial disturbance to the natural land surface.
14 A licensee may not remove any uranium for sale but
15 may remove a reasonable amount of uranium from
16 the lands subject to this Act included under the Sec-
17 retary’s license for analysis and study. A licensee
18 must comply with all applicable rules and regula-
19 tions of the Federal agency having jurisdiction over
20 the surface of the lands subject to this Act. Explo-
21 ration licenses covering lands the surface of which is
22 under the jurisdiction of any Federal agency other
23 than the Department of the Interior may be issued
24 only upon such conditions as it may prescribe with

1 respect to the use and protection of the nonmineral
2 interests in those lands.

3 “(3) SHARING OF DATA.—The licensee shall
4 furnish to the Secretary copies of all data (including
5 geological, geophysical, and core drilling analyses)
6 obtained during such exploration. The Secretary
7 shall maintain the confidentiality of all data so ob-
8 tained until after the areas involved have been leased
9 or until such time as the Secretary determines that
10 making the data available to the public would not
11 damage the competitive position of the licensee,
12 whichever comes first.

13 “(4) EXPLORATION WITHOUT A LICENSE.—Any
14 person who willfully conducts uranium exploration
15 for commercial purposes on lands subject to this Act
16 without an exploration license issued under this sub-
17 section shall be subject to a fine of not more than
18 \$1,000 for each day of violation. All data collected
19 by such person on any Federal lands as a result of
20 such violation shall be made immediately available to
21 the Secretary, who shall make the data available to
22 the public as soon as it is practicable. No penalty
23 under this subsection shall be assessed unless such
24 person is given notice and opportunity for a hearing
25 with respect to such violation.

1 “(j) CONVERSION OF MINING CLAIMS TO MINERAL
2 LEASES.—

3 “(1) IN GENERAL.—The owner of any mining
4 claim (in this subsection referred to as a ‘claimant’)
5 located prior to the date of enactment of this section
6 may, within two years after such date, apply to the
7 Secretary of the Interior to convert the claim to a
8 lease under this section. The Secretary shall issue a
9 uranium lease under this section to the claimant
10 upon a demonstration by the claimant, to the satis-
11 faction of the Secretary, within one year after the
12 date of the application to the Secretary, that the
13 claim was, as of such date of enactment, supported
14 by the discovery of a valuable deposit of uranium on
15 the claimed land. The holder of a lease issued upon
16 conversion from a mining claim under this sub-
17 section shall be subject to all the requirements of
18 this section governing uranium leases, except that
19 the holder shall pay a royalty of 6.25 percent on the
20 value of the uranium produced under the lease, until
21 beginning ten years after the date the claim is con-
22 verted to a lease.

23 “(2) OTHER CLAIMS EXTINGUISHED.—All min-
24 ing claims located for uranium on Federal lands
25 whose claimant does not apply to the Secretary for

1 conversion to a lease, or whose claimant cannot
2 make such a demonstration of discovery, shall be-
3 come null and void by operation of law three years
4 after such date of enactment.”.

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