H. R. 1452

To amend the Mineral Leasing Act to provide for the leasing of Federal lands for uranium mining, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2011

Mr. Heinrich (for himself and Mr. Luján) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Mineral Leasing Act to provide for the leasing of Federal lands 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 Resources
- 5 Stewardship Act" or "URSA".
- 6 SEC. 2. FEDERAL LANDS URANIUM LEASING.
- 7 The Mineral Leasing Act (30 U.S.C. 181 et seq.) is
- 8 amended by redesignating section 44 as section 45, and
- 9 by inserting after section 43 the following new section:

1 "SEC. 44. LEASING OF LANDS FOR URANIUM MINING.

2 "(a) In General.—

"(1) WITHDRAWAL FROM ENTRY; LEASING REQUIREMENT.—Effective upon the date of enactment
of the Uranium Resources Stewardship Act, all Federal lands are hereby permanently withdrawn from
location and entry under section 2319 of the Revised
Statutes (30 U.S.C. 22 et seq.) for uranium. After
the end of the 2-year period beginning on such date
of enactment, no uranium may be produced from
Federal lands except pursuant to a lease issued
under this Act.

"(2) Leasing.—The Secretary—

"(A) may divide any lands subject to this

Act that are not withdrawn from mineral leasing and that are otherwise available for uranium leasing under applicable law, including lands available under the terms of land use plans prepared by the Federal agency managing the land, into leasing tracts of such size as the Secretary finds appropriate and in the public interest; and

"(B) thereafter shall, in the Secretary's discretion, upon the request of any qualified applicant or on the Secretary's own motion, from time to time, offer such lands for uranium leas-

1	ing and award uranium leases thereon by com-
2	petitive bidding.
3	"(b) Fair Market Value Required.—
4	"(1) In general.—No bid for a uranium lease
5	shall be accepted that is less than the fair market
6	value, as determined by the Secretary, of the ura-
7	nium subject to the lease.
8	"(2) Public Comment.—Prior to the Sec-
9	retary's determination of the fair market value of
10	the uranium subject to the lease, the Secretary shall
11	give opportunity for and consideration to public com-
12	ments on the fair market value.
13	"(3) Disclosure not required.—Nothing in
14	this section shall be construed to require the Sec-
15	retary to make public the Secretary's judgment as to
16	the fair market value of the uranium to be leased,
17	or the comments the Secretary receives thereon prior
18	to the issuance of the lease.
19	"(c) Lands Under the Jurisdiction of Other
20	AGENCIES.—Leases covering lands the surface of which
21	is under the jurisdiction of any Federal agency other than
22	the Department of the Interior may be issued only—
23	"(1) upon consent of the head of the other Fed-
24	eral agency; and

1	"(2) upon such conditions the head of such
2	other Federal agency may prescribe with respect to
3	the use and protection of the nonmineral interests in
4	those lands.
5	"(d) Consideration of Effects of Mining.—Be-
6	fore issuing any uranium lease, the Secretary shall con-
7	sider effects that mining under the proposed lease might
8	have on an impacted community or area, including im-
9	pacts on the environment, on agricultural, on cultural re-
10	sources, and other economic activities, and on public serv-
11	ices.
12	"(e) Notice of Proposed Lease.—No lease sale
13	shall be held for lands until after a notice of the proposed
14	offering for lease has been given once a week for three
15	consecutive weeks in a newspaper of general circulation
16	in the county in which the lands are situated, or in elec-
17	tronic format, in accordance with regulations prescribed
18	by the Secretary.
19	"(f) Auction Requirements.—All lands to be
20	leased under this section shall be leased to the highest re-
21	sponsible qualified bidder—
22	"(1) under general regulations;
23	"(2) in units of not more than 2,560 acres that
24	are as nearly compact as possible; and
25	"(3) by oral bidding.

1	"(g) Required Payments.—
2	"(1) IN GENERAL.—A lease under this section
3	shall be conditioned upon the payment by the lesses
4	of—
5	"(A) a royalty at a rate of not less than
6	12.5 percent in amount or value of the produc-
7	tion removed or sold under the lease; and
8	"(B) a rental of—
9	"(i) not less than \$2.50 per acre per
10	year for the first through fifth years of the
11	lease; and
12	"(ii) not less than \$3 per acre per
13	year for each year thereafter.
14	"(2) Use of revenues.—Amounts received as
15	revenues under this subsection with respect to a
16	lease may be used by the Secretary of the Interior
17	subject to the availability of appropriations, for
18	cleaning up uranium mill tailings and reclaiming
19	abandoned uranium mines on Federal lands in ac-
20	cordance with the priorities and eligibility restric-
21	tions, respectively, under subsections (c) and (d) of
22	section 411 of the Surface Mining Control and Rec-
23	lamation Act of 1977 (30 U.S.C. 1240a).
24	"(h) Lease Term.—A lease under this section—

- 1 "(1) shall be effective for a primary term of 10 years; and
- 3 "(2) shall continue in effect after such primary 4 term for so long is as uranium is produced under 5 the lease in paying quantities.

"(i) Exploration Licenses.—

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"(1) IN GENERAL.—The Secretary may, under such regulations as the Secretary may prescribe, issue to any person an exploration license. No person may conduct uranium exploration for commercial purposes on lands subject to this Act without such an exploration license. Each exploration license shall be for a term of not more than two years and shall be subject to a reasonable fee. An exploration license shall confer no right to a lease under this Act. The issuance of exploration licenses shall not preclude the Secretary from issuing uranium leases at such times and locations and to such persons as the Secretary deems appropriate. No exploration license may be issued for any land on which a uranium lease has been issued. A separate exploration license shall be required for exploration in each State. An application for an exploration license shall identify general areas and probable methods of exploration. Each exploration license shall be limited

to specific geographic areas in each State as determined by the Secretary, and shall contain such reasonable conditions as the Secretary may require, including conditions to ensure the protection of the environment, and shall be subject to all applicable Federal, State, and local laws and regulations. Upon violation of any such conditions or laws the Secretary may revoke the exploration license.

"(2) LIMITATIONS.—A licensee may not cause substantial disturbance to the natural land surface. A licensee may not remove any uranium for sale but may remove a reasonable amount of uranium from the lands subject to this Act included under the Secretary's license for analysis and study. A licensee must comply with all applicable rules and regulations of the Federal agency having jurisdiction over the surface of the lands subject to this Act. Exploration licenses covering lands the surface of which is under the jurisdiction of any Federal agency other than the Department of the Interior may be issued only upon such conditions as it may prescribe with respect to the use and protection of the nonmineral interests in those lands.

"(3) Sharing of data.—The licensee shall furnish to the Secretary copies of all data (including

geological, geophysical, and core drilling analyses)

btained during such exploration. The Secretary

shall maintain the confidentiality of all data so obtained until after the areas involved have been leased

or until such time as the Secretary determines that

making the data available to the public would not

damage the competitive position of the licensee,

whichever comes first.

- "(4) Exploration without a license.—Any person who willfully conducts uranium exploration for commercial purposes on lands subject to this Act without an exploration license issued under this subsection shall be subject to a fine of not more than \$1,000 for each day of violation. All data collected by such person on any Federal lands as a result of such violation shall be made immediately available to the Secretary, who shall make the data available to the public as soon as it is practicable. No penalty under this subsection shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation.
- 22 "(j) Conversion of Mining Claims to Mineral
- 23 Leases.—

24 "(1) IN GENERAL.—The owner of any mining 25 claim (in this subsection referred to as a 'claimant') 1

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located prior to the date of enactment of the Uranium Resources Stewardship Act may, within two years after such date, apply to the Secretary of the Interior to convert the claim to a lease under this section. The Secretary shall issue a uranium lease under this section to the claimant upon a demonstration by the claimant, to the satisfaction of the Secretary, within one year after the date of the application to the Secretary, that the claim was, as of such date of enactment, supported by the discovery of a valuable deposit of uranium on the claimed land. The holder of a lease issued upon conversion from a mining claim under this subsection shall be subject to all the requirements of this section governing uranium leases, except that the holder shall pay a royalty of 6.25 percent on the value of the uranium produced under the lease, until beginning ten years after the date the claim is converted to a lease.

"(2) OTHER CLAIMS EXTINGUISHED.—All mining claims located for uranium on Federal lands whose claimant does not apply to the Secretary for conversion to a lease, or whose claimant cannot make such a demonstration of discovery, shall be-

- 1 come null and void by operation of law three years
- 2 after such date of enactment.".

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