

112TH CONGRESS
1ST SESSION

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.—

3 “(1) WITHDRAWAL FROM ENTRY; LEASING RE-
4 QUIREMENT.—Effective upon the date of enactment
5 of the Uranium Resources Stewardship Act, all Fed-
6 eral lands are hereby permanently withdrawn from
7 location and entry under section 2319 of the Revised
8 Statutes (30 U.S.C. 22 et seq.) for uranium. After
9 the end of the 2-year period beginning on such date
10 of enactment, no uranium may be produced from
11 Federal lands except pursuant to a lease issued
12 under this Act.

13 “(2) LEASING.—The Secretary—

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15 Act that are not withdrawn from mineral leas-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

23 “(B) thereafter shall, in the Secretary’s
24 discretion, upon the request of any qualified ap-
25 plicant or on the Secretary’s own motion, from
26 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 lessee
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
2 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.

6 “(i) EXPLORATION LICENSES.—

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

1 to specific geographic areas in each State as deter-
2 mined by the Secretary, and shall contain such rea-
3 sonable conditions as the Secretary may require, in-
4 cluding conditions to ensure the protection of the en-
5 vironment, and shall be subject to all applicable Fed-
6 eral, State, and local laws and regulations. Upon vio-
7 lation of any such conditions or laws the Secretary
8 may revoke the exploration license.

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

24 “(3) SHARING OF DATA.—The licensee shall
25 furnish to the Secretary copies of all data (including

1 geological, geophysical, and core drilling analyses)
2 obtained during such exploration. The Secretary
3 shall maintain the confidentiality of all data so ob-
4 tained until after the areas involved have been leased
5 or until such time as the Secretary determines that
6 making the data available to the public would not
7 damage the competitive position of the licensee,
8 whichever comes first.

9 “(4) EXPLORATION WITHOUT A LICENSE.—Any
10 person who willfully conducts uranium exploration
11 for commercial purposes on lands subject to this Act
12 without an exploration license issued under this sub-
13 section shall be subject to a fine of not more than
14 \$1,000 for each day of violation. All data collected
15 by such person on any Federal lands as a result of
16 such violation shall be made immediately available to
17 the Secretary, who shall make the data available to
18 the public as soon as it is practicable. No penalty
19 under this subsection shall be assessed unless such
20 person is given notice and opportunity for a hearing
21 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 located prior to the date of enactment of the Ura-
2 nium Resources Stewardship Act may, within two
3 years after such date, apply to the Secretary of the
4 Interior to convert the claim to a lease under this
5 section. The Secretary shall issue a uranium lease
6 under this section to the claimant upon a dem-
7 onstration by the claimant, to the satisfaction of the
8 Secretary, within one year after the date of the ap-
9 plication to the Secretary, that the claim was, as of
10 such date of enactment, supported by the discovery
11 of a valuable deposit of uranium on the claimed
12 land. The holder of a lease issued upon conversion
13 from a mining claim under this subsection shall be
14 subject to all the requirements of this section gov-
15 erning uranium leases, except that the holder shall
16 pay a royalty of 6.25 percent on the value of the
17 uranium produced under the lease, until beginning
18 ten years after the date the claim is converted to a
19 lease.

20 “(2) OTHER CLAIMS EXTINGUISHED.—All min-
21 ing claims located for uranium on Federal lands
22 whose claimant does not apply to the Secretary for
23 conversion to a lease, or whose claimant cannot
24 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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