

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 761) TO REQUIRE THE SECRETARY OF THE INTERIOR AND THE SECRETARY OF AGRICULTURE TO MORE EFFICIENTLY DEVELOP DOMESTIC SOURCES OF THE MINERALS AND MINERAL MATERIALS OF STRATEGIC AND CRITICAL IMPORTANCE TO UNITED STATES ECONOMIC AND NATIONAL SECURITY AND MANUFACTURING COMPETITIVENESS

JULY 9, 2013.—Referred to the House Calendar and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 292]

The Committee on Rules, having had under consideration House Resolution 292, by a vote of 9 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 761, the National Strategic and Critical Minerals Production Act of 2013, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-17 and provides that it shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 49

Motion by Ms. Slaughter to make in order and provide the appropriate waivers for amendment #9, offered by Rep. DeFazio (OR), which assess a royalty fee of 8 percent for new hardrock mining operations and 4 percent for existing hardrock mining operations. Revenues would be used to reclaim abandoned hardrock mines. Defeated: 4–9

| Majority Members | Vote | Minority Members | Vote |
|------------------------------|------|-------------------------------|------|
| Ms. Foxx | Nay | Ms. Slaughter | Yea |
| Mr. Bishop of Utah | Nay | Mr. McGovern | Yea |
| Mr. Cole | Nay | Mr. Hastings of Florida | Yea |
| Mr. Woodall | Nay | Mr. Polis | Yea |
| Mr. Nugent | Nay | | |
| Mr. Webster | Nay | | |
| Ms. Ros-Lehtinen | Nay | | |
| Mr. Burgess | Nay | | |
| Mr. Sessions, Chairman | Nay | | |

Rules Committee record vote No. 50

Motion by Mr. McGovern to report an open rule. Defeated: 4–9

| Majority Members | Vote | Minority Members | Vote |
|------------------------------|------|-------------------------------|------|
| Ms. Foxx | Nay | Ms. Slaughter | Yea |
| Mr. Bishop of Utah | Nay | Mr. McGovern | Yea |
| Mr. Cole | Nay | Mr. Hastings of Florida | Yea |
| Mr. Woodall | Nay | Mr. Polis | Yea |
| Mr. Nugent | Nay | | |
| Mr. Webster | Nay | | |
| Ms. Ros-Lehtinen | Nay | | |
| Mr. Burgess | Nay | | |
| Mr. Sessions, Chairman | Nay | | |

Rules Committee record vote No. 51

Motion by Mr. Hastings of Florida to make in order and provide the appropriate waivers for amendment #4, offered by Rep. Shear-Porter (NH), which requires any person or corporation that is applying for a permit under H.R. 761 to disclose all electioneering expenditures made by them in the last five years. Defeated: 4–9

| Majority Members | Vote | Minority Members | Vote |
|------------------------------|------|-------------------------------|------|
| Ms. Foxx | Nay | Ms. Slaughter | Yea |
| Mr. Bishop of Utah | Nay | Mr. McGovern | Yea |
| Mr. Cole | Nay | Mr. Hastings of Florida | Yea |
| Mr. Woodall | Nay | Mr. Polis | Yea |
| Mr. Nugent | Nay | | |
| Mr. Webster | Nay | | |
| Ms. Ros-Lehtinen | Nay | | |
| Mr. Burgess | Nay | | |
| Mr. Sessions, Chairman | Nay | | |

Rules Committee record vote No. 52

Motion by Mr. Bishop of Utah to report the rule. Adopted: 9–4

| Majority Members | Vote | Minority Members | Vote |
|------------------------------|------|-------------------------------|------|
| Ms. Foxx | Yea | Ms. Slaughter | Nay |
| Mr. Bishop of Utah | Yea | Mr. McGovern | Nay |
| Mr. Cole | Yea | Mr. Hastings of Florida | Nay |
| Mr. Woodall | Yea | Mr. Polis | Nay |
| Mr. Nugent | Yea | | |
| Mr. Webster | Yea | | |
| Ms. Ros-Lehtinen | Yea | | |
| Mr. Burgess | Yea | | |
| Mr. Sessions, Chairman | Yea | | |

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Lowenthal (CA): Clarifies the definition of “Strategic and Critical Minerals” to only include the minerals identified by the National Research Council (NRC) as strategic and critical minerals, and any additional minerals added by the Secretary that meet the NRC’s criteria. Also clarifies the definition of “Mineral Exploration or Mine Permit” to mean mineral exploration or mine permit for strategic and critical minerals. (10 minutes)

2. Grayson (FL): Clarifies that mineral exploration and mine permits referenced in H.R. 761 only cover strategic and critical minerals. (10 minutes)

3. Jackson Lee (TX): Directs that the lead agency with responsibility for issuing a mineral exploration or mine permit coordinate and consult with each State that may be impacted by issuance of the permit. (10 minutes)

4. Connolly (VA): Recognizes that mineral exploration and mining can have major environmental impacts and requires such projects be subjected to an Environmental Impact Statement review prior to approval. Removes the arbitrary limit on the time frame for such reviews. (10 minutes)

5. Jackson Lee (TX): Establishes that no deadline for agency action under “Section 104 Federal Register Process for Mineral Exploration and Mining” shall apply to the agency in a fiscal year if the amount of appropriations available to the agency for such action for the fiscal year is less than then amount of appropriations available to the agency for such action for the preceding fiscal year. (10 minutes)

6. Jackson Lee (TX): Allows access to funds provided by taxpayers to other taxpayers when mounting a challenge to a decision by the Federal government agency with authority under this Act. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LOWENTHAL OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, beginning at line 7, strike paragraph (1) and insert the following:

(1) STRATEGIC AND CRITICAL MINERALS.—The term “strategic and critical minerals”—

(A) means—

(i) minerals and mineral groups identified as critical by the National Research Council in the report entitled “Minerals, Critical Minerals, and the U.S. Economy”, dated 2008; and

(ii) additional minerals identified by the Secretary of the Interior based on the National Research Council criteria in such report; and

(B) shall not include sand, gravel, or clay.

Page 4, strike lines 1 through 7 and insert the following:

(1) MINERAL EXPLORATION OR MINE PERMIT.—The term “mineral exploration or mine permit”—

(A) means a mineral exploration or mine permit for strategic and critical minerals; and

(B) includes any plan of operation for strategic and critical minerals that is issued by the Bureau of Land Management and the Forest Service.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRAYSON OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, line 3, before “includes” insert “means a permit authorizing exploration for or mining of a mineral that is a strategic and critical mineral, and”.

Page 6, line 11, strike “permitting” and insert “permit issuance”.

Page 8, lines 1 and 19, insert “strategic and critical” before “mineral” each place it appears.

Page 9, lines 5, 12, and 14, insert “strategic and critical” before “mineral” each place it appears.

Page 9, line 15, insert “STRATEGIC AND CRITICAL” before “MINERAL”.

Page 9, line 17, insert “STRATEGIC AND CRITICAL” before “MIN-”.

Page 10, line 5, insert “STRATEGIC AND CRITICAL” before “MINERAL”.

Page 7, line 22, insert “strategic and critical mineral” before “permitting process”.

Page 10, line 15 insert “STRATEGIC AND CRITICAL MINERAL” before “EXPLORATION”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, line 24, after “project proponents” insert “, each State that may be impacted by issuance of the permit,”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 5, strike lines 4 through 17 and insert the following:

(b) DETERMINATION UNDER NEPA.—The lead agency with responsibility for issuing a mineral exploration or mine permit shall determine any such action would constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (42 U.S.C. 4331 et seq.).

Beginning at page 6, strike line 8 and all that follows through page 7, line 17.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I (page 10, after line 12), insert the following:

SEC. 105. NULLIFICATION OF TIME LIMITS.

No deadline for agency action under this title shall apply to an agency in a fiscal year if the amount of appropriations available to the agency for such action for the fiscal year is less than the amount of appropriations available to the agency for such action for the preceding fiscal year.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 11, beginning at line 21, strike section 206.