

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

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SEPTEMBER 17, 2013.—Referred to the House Calendar and ordered to be printed

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

## R E P O R T

[To accompany H. Res. 347]

The Committee on Rules, having had under consideration House Resolution 347, by a record vote of 8 to 2, 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 the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill 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 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. 66*

Motion by Ms. Slaughter to report an open rule. Defeated: 2–8

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

*Rules Committee record vote No. 67*

Motion by Ms. Slaughter to make in order and provide the appropriate waivers for amendment #3, offered by Representative DeFazio (OR), which requires a royalty of 8% for new hardrock mining operations on federal land. Revenue from royalty payments would be made available for reclamation of abandoned mine sites. Defeated: 2–8

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

*Rules Committee record vote No. 68*

Motion by Ms. Foxx to report the rule. Adopted: 8–2

Majority Members	Vote	Minority Members	Vote
Ms. Foxx .....	Yea	Ms. Slaughter .....	Nay

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

## SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Lowenthal (CA): Clarifies that the definition of “Strategic and Critical Minerals” only includes 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 that the definition of “Mineral Exploration or Mine Permit” in this underlying legislation only refers to mineral exploration or mine permit for strategic and critical minerals. (10 minutes)

2. Veasey (TX): Designates the Secretary of Interior to publish no later than 60 days after enactment of the bill a list of “Strategic and Critical Minerals” for the purpose of the bill. The Secretary must update the list every 5 years. (10 minutes)

3. Connolly (VA): Requires mineral exploration and mining projects to be subjected to an Environmental Impact Statement review prior to approval. Removes the arbitrary limit on the time frame for such reviews. (10 minutes)

4. Hastings, Alcee (FL): Requires that the cost of cleanup be included in financial assurance and that financial insurance instruments shall be in the form of a surety bond, letter of credit or other instrument that would routinely be accepted in commerce. (10 minutes)

5. Pearce (NM): Clarifies the intention of the bill that it will not impact Secretarial Order 3324, as it relates to oil/gas and potash. (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 5, strike lines 3 through 16 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 5, strike lines 21 through 26 and insert the following:

(3) 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.

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

Page 5, after line 26, insert the following:

**SEC. 4. PUBLICATION OF CRITICAL MINERALS.**

The Secretary of the Interior shall publish in the Federal Register—

(1) by not later than 60 days after the date of the enactment of this Act, a list of the minerals that are strategic and critical minerals for purposes of this Act; and

(2) every 5 years thereafter, an updated list of such minerals.

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

Beginning at page 6, strike line 22 and all that follows through page 7, line 9, 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 7, strike line 24 and all that follows through page 9, line 7.

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

Page 9, line 14, before “The lead agency” insert the following:

(1) IN GENERAL.—

Page 9, line 21, before the period insert “, the cost of cleanup in the event of any release occurring at such site, and the costs incurred by the United States to implement this subsection”.

Page 9, after line 21, insert the following:

(2) FORM.—Such financial assurance shall be in the form of a surety bond, letter of credit, or other instrument that would routinely be accepted in commerce.

(3) AMOUNT BASED ON TYPE OF OPERATION.—The amount of such financial assurance shall be based on the type of mining operation to be conducted.

(4) INSPECTIONS.—The lead agency shall conduct annual inspections and reviews of financial insurance required under this subsection.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PEARCE OF  
NEW MEXICO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

**TITLE III—MISCELLANEOUS  
PROVISIONS**

**SEC. 301. SECRETARIAL ORDER NOT AFFECTED.**

Nothing in this Act shall be construed as to affect any aspect of Secretarial Order 3324, issued by the Secretary of the Interior on December 3, 2012, with respect to potash and oil and gas operators.

