

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1937) 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

OCTOBER 20, 2015.—Referred to the House Calendar and ordered to be printed

Mr. NEWHOUSE, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 481]

The Committee on Rules, having had under consideration House Resolution 481, by a nonrecord vote, 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. 1937, the National Strategic and Critical Minerals Production Act of 2015, 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 provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution makes in order only those 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 provisions in 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 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. 114

Motion by Ms. Slaughter to report an open rule. Defeated: 3–6

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Cole	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Burgess	Mr. Polis
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Byrne	Nay		
Mr. Newhouse		
Mr. Sessions, Chairman	Nay		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Lowenthal (CA): Replaces the bills definition of “strategic and critical minerals” with the accepted definition from the National Research Council. (10 minutes)

2. Dingell (MI): Ensures that mining permits are fully reviewed under the National Environmental Policy Act. (10 minutes)

3. Cartwright (PA): Strikes sections of the bill that would limit judicial review of agency actions and prevent the awarding of attorney’s fees under the Equal Access to Justice Act. (10 minutes)

4. Pearce (NM): Clarifies that the bill does not affect Secretarial Order 3324, issued by the Department of the Interior. (10 minutes)

5. Hastings, Alcee (FL): Requires demonstration for proposed projects that domestic capacity to produce strategic and critical minerals is less than 80 percent of domestic requirements and requires publication of intent to transport or sell strategic and critical mineral intermediate and final products outside of the United States unless the domestic capacity exceeds 80 percent. (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 1 through 15 and insert the following:

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

(A) except as provided in subparagraph (B), means—

(i) minerals and mineral groups identified as critical by the National Research Council in the report titled “Minerals, Critical Minerals, and the U.S Economy” and 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) does not include sand, gravel, or clay.

Page 5, line 25, after “ties” insert “for strategic and critical minerals”.

Page 6, line 3, after “operation” insert “for strategic and critical mineral mines”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DINGELL OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Beginning at page 7, strike line 5 and all that follows through page 8, line 18, and insert the following:

(b) TREATMENT OF PERMITS UNDER NEPA.—Issuance of a mineral exploration or mine permit shall be treated as a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

Beginning at page 9, strike line 19 and all that follows through page 12, line 21.

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

Beginning at page 14, line 1, strike title II.

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

Strike title III (page 15, beginning at line 15) and insert the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. SECRETARIAL ORDER NOT AFFECTED.

This Act shall not apply to any mineral described in Secretarial Order 3324, issued by the Secretary of the Interior on December 3, 2012, in any area to which the Order applies.

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

Add at the end the following:

**TITLE _____—MISCELLANEOUS
PROVISIONS****SEC. _01. LIMITATION ON APPLICATION.**

This Act shall not apply with respect to a proposed strategic and critical minerals mining project unless the project proponent demonstrates that the combined capacity of existing mining operations in the United States producing the same mineral product that will be produced by the project, whether currently in operation or not, but not including mining operations for which a reclamation plan is being implemented or has been fully implemented, is less than 80 percent of the demand for that mineral product in the United States.

**SEC. _02. PUBLICATION OF NOTICE REGARDING TRANSPORTATION
AND SALE OUTSIDE THE UNITED STATES.**

If any intermediate or final mineral product produced by a strategic and critical minerals mining project is to be transported or sold outside the United States, and the project proponent cannot demonstrate that the annual production of such product in the United States exceeds 80 percent of the demand for that product in the United States, the project proponent shall publish at least once prior notice of their intent to make such transport or sale in national newspapers or trade publications, by electronic means, or both, and on any Internet site that is maintained by the project proponent.