



Legislative Bulletin.....July 12, 2012

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Amendments to H.R. 4402 - National Strategic and Critical Minerals Production Act of 2012

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Order of Business: The legislation is scheduled to be considered as soon as July 12, 2012, under a structured rule, H.Res. 726. The rule provides for the consideration of H.R. 4402 in the Committee of the Whole House on the state of the Union. The rule provides for 1 hour of general debate that is equally divided by the chair and ranking minority member.

After debate, the legislation shall be considered for amendment under the five minute rule. The rule makes in order only those amendments that are printed in Rules Committee Report 112-590, which can be [viewed here](#). After amendment debate the Committee shall rise and report the legislation to the House. At that time, Members may demand a separate vote on any amendment that was adopted in the Committee. The rule also provides for one motion to recommit, with or without instructions. The text of the rule can be [found here](#).

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

Amendments Made In Order Under the Rule:

1. **Tonko (D-NY):** The amendment would narrow the scope of the legislation by defining “strategic and critical minerals” as those that are identified by the National Research Council in the 2008 “Minerals, Critical Minerals, and the U.S. Economy” report, and others that are identified by the Council. The legislation also defines the term “mineral exploration or mine permit” as a permit for strategic and critical minerals, as well as any plan that is issued by the Bureau of Land Management and the Forest Service for those minerals.

The text of the amendment can be [found here](#). A similar amendment was offered during the Committee markup and failed by a roll call vote of 12-19.

2. **Hastings (D-FL):** The amendment strikes language in the legislation that establishes a 30 month limit for the permit review process, unless it is agreed by the signatories of the agreement.

The amendment sets the time limit at 30 months, but with exceptions that allow the lead agency to continue the review process for an additional year.

Some conservatives have argued that this amendment is unnecessary, as the legislation already allows for both parties to agree to an extension beyond the 30 month timeline. Additionally, some conservatives have argued that this amendment would further drag out the process. The text of the amendment can be [found here](#).

3. **Markey (D-MA):** The amendment requires a 12.5% royalty payment be made to the federal government on any minerals obtained on federal land. These royalties shall be available to the Secretary of the Interior for abandoned hard rock mine lands reclamation. Some conservatives may be concerned that the amendment creates a new royalty in order to pay for additional spending. The text of the amendment can be [found here](#).
4. **Young (R-AK):** The amendment exempts areas of mineral resources (except Non-Development Land Use Designations) from certain federal regulations.

The below information is from the sponsor's office:

“Beginning in the 1990’s the U.S. Forest Service recognized the value of these resource rich areas and managed them for their mineral values. This management regime allowed for development, but balanced these needs with conservation goals. However, in 2001, federal regulations were applied to many of these lands that impede access and other activities critical to the efficient development of these resources. Specifically, my amendment lifts these regulations from areas where a mineral development project predates the regulations and also applies the exemption to activities crucial to mine development—namely access routes, construction, operation, maintenance, and restoration of the site.”

The text of the amendment can be [found here](#).

5. **Cravaack (R-MN):** The amendment would cause the legislation to apply to mineral exploration or mine permit applications that were submitted before the date of enactment, if the permit applicant submits a written request to the lead agency. The lead agency would then be directed to implement this legislation with respect to the permit application within 30 days. The text of the amendment can be [found here](#).
6. **Hastings (D-FL):** The underlying legislation prohibits the Equal Access to Justice Act from applying to a covered civil action. The legislation also prohibits any party from receiving payment from the federal government for their attorneys’ fees, expenses, and other court costs.

The amendment causes the prohibition not to apply to non-profit organizations, or to individuals. The text of the amendment can be [found here](#).

7. **Grijalva (D-AZ):** The amendment would cause the legislation not to apply to any mineral or mining permit that a lead agency determined would diminish opportunities for hunting, fishing, grazing, or recreation on public lands. The text of the amendment can be [found here](#). A similar amendment was offered during the Committee markup and failed by a voice vote.