
PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4402) 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 10, 2012.—Referred to the House Calendar and ordered to be printed.

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

REPORT

[To accompany H. Res. 766]

The Committee on Rules, having had under consideration House Resolution 766, 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. 4402, the National Strategic and Critical Minerals Production Act of 2012, 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 the amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-26 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 made in order as original text. 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. Finally, 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.

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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. 330

Motion by Mr. McGovern to report an open rule. Defeated: 4-8

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Woodall.....	Nay	Mr. Polis.....	Yea
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 331

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #8, offered by Rep. Bonamici (OR), Rep. Waters (CA), Rep. Berman (CA) and Rep. Moran (VA), which would prohibit issuance of mineral exploration or mine permit under the Act to a person found to be in violation of Sections 13(p) or 13(q) of the Securities and Exchange Act of 1934, regarding trafficking in conflict minerals. Defeated: 4-8

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Woodall.....	Nay	Mr. Polis.....	Yea
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Tonko (NY): Would narrow the scope of the underlying bill to include strategic and critical minerals only. (10 minutes)
2. Hastings, Alcee (FL): Would give the lead agency, in the event of new or unforeseen information, the authority to extend by two six-month periods the arbitrary 30 month time limit the bill imposes on permit approval. (10 minutes)
3. Markey, Edward (MA): Would require a royalty payment of 12.5% of the value of hardrock minerals mined on federal lands. Revenue generated by the royalty payment would be dedicated to cleaning up abandoned hardrock mines. (10 minutes)
4. Young, Don (AK): Would allow the lead agency, as established under this bill, to exempt existing Mineral Prescriptions for strategic and critical materials within federally administered national forests from the procedures detailed at and all rules promulgated under part 294 of title 36 of the Code for Federal Regulations. In addition, the amendment would extend this exemption to areas integral to access of the Mineral Prescriptions, and the construction, operation, maintenance, and restoration of any existing Mineral Prescriptions. (10 minutes)
5. Cravaack (MN): Would allow projects that have already applied for a permit access to the new expedited process under the bill. (10 minutes)
6. Hastings, Alcee (FL): Would create an exception for non-profit entities and individuals from the outright elimination (found in Section 205 of H.R. 4402) of the shifting of attorneys' fees pursuant to the Equal Access to Justice Act. (10 minutes)
7. Grijalva, Raul (AZ): Would exempt from the bill any mineral exploration or mining permit a lead agency determines would diminish opportunities for hunting, fishing, grazing, or recreation on public lands. By protecting the status of hunting, fishing, grazing and other recreational uses on federal lands, the amendment will guarantee that the multiple use mandate for federal lands is not compromised by the underlying bill. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TONKO OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO RULES COMMITTEE PRINT 112-
26
OFFERED BY MR. TONKO OF NEW YORK**

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

- 1 (1) STRATEGIC AND CRITICAL MINERALS.—The
2 term “strategic and critical minerals”—
3 (A) means—
4 (i) minerals and mineral groups iden-
5 tified as critical by the National Research
6 Council in the report entitled “Minerals,
7 Critical Minerals, and the U.S. Economy”,
8 dated 2008; and
9 (ii) additional minerals identified by
10 the Secretary of the Interior based on the
11 National Research Council criteria in such
12 report; and
13 (B) shall not include sand, gravel, or clay.

Page 4, strike lines 1 through 6 and insert the fol-
lowing:

1 (1) MINERAL EXPLORATION OR MINE PER-
2 MIT.—The term “mineral exploration or mine per-
3 mit”—

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

6 (B) includes any plan of operation for stra-
7 tegic and critical minerals that is issued by the
8 Bureau of Land Management and the Forest
9 Service.



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

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**AMENDMENT TO RULES COMMITTEE PRINT 112-
26
OFFERED BY MR. HASTINGS OF FLORIDA**

Page 7, strike lines 8 through 10 and insert the following:

1 (e)(1) In no case should the total review process de-
2 scribed in subsection (d) exceed 30 months unless—

3 (A) agreed to by the signatories of the agree-
4 ment, or

5 (B) the lead agency has determined that an
6 adequate review has not been completed due to
7 issues arising not contained in the permit applica-
8 tion or otherwise unforeseen by the signatories at
9 the time of submittal of the permit application.

10 (2) In a case described in paragraph (1)(B)—

11 (A) the lead agency may extend the total review
12 process by 6 months;

13 (B) if, at the end of that 6-month period, the
14 issues referred to in paragraph (1)(B) have not been
15 adequately addressed, the lead agency may extend
16 the total review process by an additional 6 months;

17 (C) if at the end of that additional 6-month pe-
18 riod the issues referred to in paragraph (1)(B) have

1 not been adequately addressed, the lead agency shall
2 issue its final determination on the permit applica-
3 tion



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

2

**AMENDMENT TO RULES COMMITTEE PRINT 112-
26
OFFERED BY MR. MARKEY**

Page 7, after line 22, insert the following new sub-section:

1 (h) The lead agency with responsibility for issuing a
2 mineral exploration or mine permit for hardrock minerals
3 on Federal land after the date of enactment of this Act
4 shall require a royalty payment of 12.5 percent of the
5 value of the minerals produced pursuant to the permit.
6 Amounts received by the United States as such royalties
7 shall be available to the Secretary of the Interior, subject
8 to the availability of appropriations and in addition to
9 amounts otherwise available, for abandoned hardrock mine
10 lands reclamation.



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

3-Reviewed

**AMENDMENT TO RULES COMMITTEE PRINT 112-
26
OFFERED BY MR. YOUNG OF ALASKA**

Page 7, after line 22, insert the following:

1 (h) With respect to strategic and critical materials
2 within a federally administered unit of the National Forest
3 System, the lead agency shall—

4 (1) exempt all areas of identified mineral re-
5 sources in Land Use Designations, other than Non-
6 Development Land Use Designations, in existence as
7 of the date of the enactment of this Act from the
8 procedures detailed at and all rules promulgated
9 under part 294 of title 36, Code for Federal Regula-
10 tions;

11 (2) apply such exemption to all additional
12 routes and areas that the lead agency finds nec-
13 essary to facilitate the construction, operation, main-
14 tenance, and restoration of the areas of identified
15 mineral resources described in paragraph (1); and

16 (3) continue to apply such exemptions after ap-
17 proval of the Minerals Plan of Operations for the
18 unit of the National Forest System.

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

AMENDMENT TO RULES COMMITTEE PRINT 112-

26

OFFERED BY Cravaack

Page 7, after line 22, insert the following:

1 (h) This section shall apply with respect to a mineral
2 exploration or mine permit for which an application was
3 submitted before the date of the enactment of this Act
4 if the applicant for the permit submits a written request
5 to the lead agency for the permit. The lead agency shall
6 begin implementing this section with respect to such appli-
7 cation within 30 days after receiving such written request.

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

**AMENDMENT TO RULES COMMITTEE PRINT 112-
26
OFFERED BY MR. HASTINGS OF FLORIDA**

Page 10, line 4, before "Sections" insert "(a) IN
GENERAL.—".

Page 10, after line 9, add the following:

- 1 (b) LIMITATION ON APPLICATION.—Subsection (a)
2 does not apply to a covered civil action filed by—
3 (1) a not-for-profit organization described in
4 section 501(c)(3) of the Internal Revenue Code of
5 1986 and exempt from tax under section 501(a) of
6 such Code; or
7 (2) an individual.



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
GRIJALVA OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

6

AMENDMENT TO RULES COMMITTEE PRINT 112-

26

OFFERED BY MR. GRIJALVA OF ARIZONA

Add at the end the following:

1 **TITLE III—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 301. PROTECTION OF HUNTING, FISHING, GRAZING,**
4 **AND RECREATION.**

5 This Act shall not apply with respect to any mineral
6 exploration or mining permit a lead agency determines
7 would diminish opportunities for hunting, fishing, grazing,
8 or recreation on public lands.



House Calendar No. _____

112TH CONGRESS
2^D SESSION

H. RES. _____

Report No. 112-_____

Providing for consideration of the bill (H.R. 4402) 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.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2012

Mr. BISHOP of Utah, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

Providing for consideration of the bill (H.R. 4402) 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.

1 *Resolved*, That at any time after the adoption of this
2 resolution the Speaker may, pursuant to clause 2(b) of
3 rule XVIII, declare the House resolved into the Committee

1 of the Whole House on the state of the Union for consider-
2 ation of the bill (H.R. 4402) to require the Secretary of
3 the Interior and the Secretary of Agriculture to more effi-
4 ciently develop domestic sources of the minerals and min-
5 eral materials of strategic and critical importance to
6 United States economic and national security and manu-
7 facturing competitiveness. The first reading of the bill
8 shall be dispensed with. All points of order against consid-
9 eration of the bill are waived. General debate shall be con-
10 fined to the bill and shall not exceed one hour equally di-
11 vided and controlled by the chair and ranking minority
12 member of the Committee on Natural Resources. After
13 general debate the bill shall be considered for amendment
14 under the five-minute rule. In lieu of the amendment in
15 the nature of a substitute recommended by the Committee
16 on Natural Resources now printed in the bill, it shall be
17 in order to consider as an original bill for the purpose of
18 amendment under the five-minute rule an amendment in
19 the nature of a substitute consisting of the text of Rules
20 Committee Print 112-26. That amendment in the nature
21 of a substitute shall be considered as read. All points of
22 order against that amendment in the nature of a sub-
23 stitute are waived. No amendment to that amendment in
24 the nature of a substitute shall be in order except those
25 printed in the report of the Committee on Rules accom-

1 panying this resolution. Each such amendment may be of-
2 fered only in the order printed in the report, may be of-
3 fered only by a Member designated in the report, shall
4 be considered as read, shall be debatable for the time spec-
5 ified in the report equally divided and controlled by the
6 proponent and an opponent, shall not be subject to amend-
7 ment, and shall not be subject to a demand for division
8 of the question in the House or in the Committee of the
9 Whole. All points of order against such amendments are
10 waived. At the conclusion of consideration of the bill for
11 amendment the Committee shall rise and report the bill
12 to the House with such amendments as may have been
13 adopted. Any Member may demand a separate vote in the
14 House on any amendment adopted in the Committee of
15 the Whole to the bill or to the amendment in the nature
16 of a substitute made in order as original text. The previous
17 question shall be considered as ordered on the bill and
18 amendments thereto to final passage without intervening
19 motion except one motion to recommit with or without in-
20 structions.