

we became lawmakers. Most of the time, we hear about exotic elements at the bottom of the periodic table like neodymium and europium, but the fact is that we are facing down potentially devastating supply disruptions for a much more familiar material, lead.

In my district, we know a lot about lead because my district produces more lead than any other district in the Nation. We rely on lead for everything from bullets, missiles, ships and tanks, to batteries for vehicles and energy storage, to TV and computer screens, to storing nuclear waste. Almost every one of us drives a car powered by a lead-acid battery.

It may be hard to believe that lead could be a strategic vulnerability for the United States because we have used it in so many products for over a century. Over the past generation, we have taken lead out of things like gasoline and paint to help protect human health.

But the fact is lead is still crucial as a critical material that we use safely in a vast number of American-manufactured technologies. There is only one primary lead producer remaining in the United States today, and that facility is scheduled to close at the end of 2013. And environmental regulations are making it more and more difficult for lead producers to extract and process economically.

Today, China produces three times the lead that the United States produces, and our global market share is shrinking. At the same time, global demand for lead is expected to grow by 5 to 6 percent a year, increasing prices and competition for our domestic resources.

American innovators are working hard to improve the efficiency of lead production and make sure as many lead-acid batteries as possible are recycled so their contents can be repurposed. But the U.S. simply cannot meet its national security needs and commercialize important new technologies without a more robust, secure supply.

I hope that H.R. 761 will open doors for lead production in the United States, and that any future legislative efforts on critical minerals will also account for lead supplies.

Mr. HOLT. Mr. Chairman, I yield myself such time as I may consume.

This legislation is fundamentally a solution in search of a problem. Now, according to analysis of data provided by the Bureau of Land Management for hardrock mines on public lands, for which there is complete data, the average time it takes to approve a plan of operation for a mine has actually decreased under the Obama administration. We do not need a relaxation of regulations in order to speed things up.

According to the BLM data, plans of operation for hardrock mines are being approved roughly 17 percent more quickly under the Obama administration than under the previous administration. Thank you, President Obama.

And despite the majority's claims, 82 percent of plans of operation for hardrock mines are approved within 3 years under the Obama administration.

Now, the mining company will say, oh, 3 years, that's so long. Well, according to the BLM "it takes, on average, 4 years to approve a mining plan of operation for a large mine, more than 1,000 acres on public lands."

Now, my colleagues on the other side have asked repeatedly what the problem is with their legislation that would truncate and eviscerate proper review of all mines on public lands if the majority of plans are approved within 3 years.

Well, it's because a little more than 15 percent of hardrock mines take more than 4 years to approve. For these mines, where mining companies may not have submitted a complete application, or may not have posted sufficient bond to ensure that the mine is cleaned up after the work, or where additional environmental review is required because the mine is large or potentially damaging to our environment and to public health, this bill would prevent proper review.

We're already approving hardrock mines more quickly under the current administration than under the previous administration. We should not be eviscerating proper review of virtually all mining operations on public lands, including sand and gravel, I repeat, as this Republican bill would do. We should certainly not be doing it under the pretense of developing critical and strategic minerals.

Now, the other side likes to cherry-pick. They cherry-pick one statistic out of a report, without having, apparently, read the rest of the report.

If you look at the full report by the international consulting firm Behre Dolbear, it states that "permitting delays are a global issue" and that "the business environment will likely favor firms that aggressively take a proactive stance concerning societal and environmental issues."

Plans under the current administration, under the current BLM, plans of operation for hardrock mines are being approved roughly 17 percent more quickly than previously.

They say that the United States is last, ranked last, in mining. No. What they fail to note is this very report says that the United States is one of the most attractive countries in the world for mining, sixth, to be precise, sixth most attractive. We are number six in the world when you take all factors into consideration and all countries into consideration.

Yet my colleagues on the other side of the aisle continue to cherry-pick and say that the United States is so unfair to the mining interests that we have to give them a break, that we have to give away all of these mining resources on the public's lands, with no royalties and very few questions asked.

Mr. Chairman, I reserve the balance of my time.

The CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. SMITH of Missouri) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

NATIONAL STRATEGIC AND CRITICAL MINERALS PRODUCTION ACT OF 2013

The Committee resumed its sitting.

Mr. HASTINGS of Washington. Mr. Chairman, I'm very pleased to yield 2 minutes to the gentleman from Nevada (Mr. AMODEI).

Mr. AMODEI. Mr. Chairman, only in Washington would we be having a debate about whether 4 years is okay or 2½ years is okay when we're talking about a jobs bill. And only in Washington would we talk about cherry-picking when we're talking about the vast majority of the production that is sought for permitting, and the vast number of jobs that is created is not—I want to make this very clear so the record is clear—is not handled within 3 years.

Now, it may be true that it's less than the Bush administration, which is fine. Let's assume that it is.

But when you're talking about primarily issues that deal with Western lands whose States are at or near a majority of Federal ownership, and you want to talk about the middle class, and you want to talk about generating jobs, and you want to say, hey, by the way, you can take as long as you want; we don't know if you're going to have a job in that industry or not because there are no rules.

Only in Washington would we be defending no time limits whatsoever. To say 30 months is a bad idea, with language that says, if both sides agree, you can take longer, is not an unreasonable environmental or administrative stance.

Nobody wants a nice, crisp denial in 30 months; and by the way, if the application should be denied, then I presume that it will be denied.

But what we're seeing now, and you can find no legislative history for this anywhere in any of the applicable environmental regulations and statutes, of which all still apply, there is nothing that says, by the way, if nothing else works, just see if you can drag it out as long as possible and hope that that capital goes away. Because when you talk about permitting attractiveness, it's not what these folks are those folks say, it's where the capital goes. And the capital isn't going here.

And the strategic interest of having to go to China for your rare-earths or having to go to other countries to produce those is not apparent.

Mr. HOLT. Mr. Chairman, I yield myself such time as I might consume.

My friend on the other side of the aisle says that, evidently, the agencies that are reviewing these massive projects, projects that can permanently degrade the environment, permanently degrade the environment, hurt public health, affect communities, they're doing it just to be mean to the mining interests.

No, I don't think so. They are charged with protecting the lands that belong to Americans, the health of Americans, and the long-term welfare of the communities.

Now, as for China, let's talk about China. We should be talking about China. We should be concerned about what happens to the rare-earth minerals around the world and in this country being locked up by China.

Talk to any business searching the venture capital community for start-up funding, and one of the first things that they will be asked is, what is your China plan, because if you don't have a China plan, you won't be very successful.

The bill that we're considering today, once again, shows that Republicans, in their eagerness to have giveaways for the mining industry, are wandering in total darkness when it comes to developing a strategy for dealing with China.

In the Findings section of the bill before us it says:

The industrialization of China and India has driven demand for nonfuel mineral commodities, sparking a period of resource nationalism exemplified by China's reduction in exports of rare-earth elements.

True. And these are the rare-earth elements that are necessary for telecommunications and military technologies and health care technologies and conventional energy and renewable energy technologies.

So what would this bill do about China's export restrictions?

What would this bill do to ensure that China not restrict exports of rare-earths to us, or that we keep the rare-earth elements in this country to be used as strategic input to these strategic industries?

Nothing.

I have news for my colleagues. We do, in the United States, produce rare-earth. We mine and concentrate rare-earth elements. The Molycorp facility in California mines one of the richest rare-earth deposits in the world. They're ramping up to 40,000 tons of production by next year. That will be a quarter of the global production.

□ 1430

But guess what? Guess where they are sending much of that production? Yes, China. That's right. Our rare-earths will go to China to be refined into alloys and metals. And there they will stay, if the Chinese Government so determines, for Chinese high-tech manufacturers. What are we doing about that in this legislation? Nothing.

So why are we doing this legislation first when the bigger problem is how are we going to have a reliable supply of these strategic minerals.

The Republican solution is, China, we waived our environmental laws. We're going to turn these out faster and faster from these public lands that belong to the American people. We'll send them to you, China, so you can refine them. And please send them back to us.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I would ask my friend from New Jersey if he has any further speakers. I'm prepared to close if the gentleman is prepared to close.

Mr. HOLT. I have no further speakers, and I yield myself the remaining time.

In closing, let me just repeat what we've heard over and over. This is unnecessary. It's not dealing with the real problems first. It is a giveaway to the mining industry to exempt them from regulations, to exempt them from paying a reasonable royalty to the American people for use of the American people's lands. It would alter nearly all mining operations on public lands in the United States by reducing or even eliminating review under the National Environmental Policy Act. It would change these mining operations not just for these rare-earth elements but for copper, uranium, sand, and gravel.

The Interior Department testified this legislation would remove many of the environmental safeguards for almost all types of hardrock mines on public lands, bypass evaluation of potential impacts under the National Environmental Policy Act, and limit public involvement in agency decision-making.

Can that be a good idea—to eliminate all those things and not actually deal with the production and supply and availability of strategic minerals?

The authors of the bill say it's needed "because it could take a developer years to get all government permits in place." Well, that's up to the developer to get those in. And it's up to the government agencies to make sure they do it in a way that protects the public health, protects the public lands, protects the future of communities that would be affected by this.

This bill is not about fixing delays, but really about preventing proper environmental review and safety and public health reviews.

We should be updating the Mining Act of 1872. We are a century or a century-and-a-half late in updating that mining law. Maybe there was a time in the 19th century where we wanted to send people out to develop the great expanses of the western United States and give them carte blanche. We've come a long way since then.

We should get up to date here in the House of Representatives. We should be dealing with the hundred thousand known abandoned mines that are a danger to people and to the environ-

ment. Promoting the development of minerals that are critical to core national priorities and that are genuinely susceptible to disruptions should be an area where both sides, Republicans and Democrats, can work together. Instead, we're dealing with special interests, giving them free rein in a handout.

I urge my colleagues to reject this misguided bill, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, before I make my closing remarks, I want to thank Chairman GOODLATTE of the Judiciary Committee for his cooperation in helping schedule this bill for consideration. We have an exchange of letters to that effect.

Mr. Chairman, much has been debated here on the floor about what is strategic and what is not strategic. Let me posit a suggestion here on the fact that there are two ways that you could define this. You could define it by making a definition so narrow that in effect the legislation picks winners and losers. Or you could write statutory law that says that certain conditions that require certain elements will be the driver of what is strategic. That means the marketplace is the one, then, that decides what is strategic. I think that's a much better approach because when I talk about this, I recall hearing that in the late 1890s the U.S. Patent Office issued a statement—and I could be off a little bit—saying that we ought to close down the U.S. Patent Office because everything that has been invented, has been invented. This is in the 1890s. This is before we were flying airplanes. This is before the car became commercially available. This means all the minerals that go into those things weren't even thought of at the time.

So what we do then in this bill is just very straightforward. We say that the strategic minerals will meet these criteria. By the way, you can find this on page 5, section 3, "Definitions":

(A) For national defense and national security.

That is so self-evident, it hardly needs to be debated.

Second:

For the Nation's energy infrastructure, including pipelines, refining.

That's from an energy standpoint. That certainly should not be debated because we have to have a good energy source if we're going to have a growing economy.

And:

(C) To support domestic manufacturing.

Of course, that includes agriculture and housing. In other words, to support our economy. Doesn't that make good sense to have a source of strategic minerals for that?

Finally:

(D) for the Nation's economic security and balance of trade.

That makes eminently good sense because we are seriously out of balance

now with China, as has been brought up.

So this approach is more of a long-term solution because I dare say that 25 years from now there will be a mineral that somebody will find that will be used for new technology. But if we have defined it so narrowly that we don't know what that technology is, we have in fact been picking winners and losers. That's the wrong approach. The right approach is what's embodied in this bill to say that these conditions will be the ones that will define strategic minerals.

Finally, let me close on this: everybody likes to make fun of sand and gravel as being strategic. I guarantee you that after the earthquakes in northern and southern California, when the freeways collapsed, I can tell you very, very strategically that cement and sand and gravel fit that category.

So under the conditions, I think this fits what we are attempting to do in the long term.

With that, Mr. Chairman, I yield back the balance of my time.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 28, 2013.

Hon. DOC HASTINGS,
Chairman, Committee on Natural Resources,
Longworth House Office Building, Wash-
ington, DC.

DEAR CHAIRMAN HASTINGS, I am writing with respect to H.R. 761, the "National Strategic and Critical Minerals Production Act of 2013," which the Committee on Natural Resources reported favorably. As a result of your having consulted with us on provisions in H.R. 761 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I agree to discharge our Committee from further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 761 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and asks that you support any such request.

I would appreciate a response to this letter confirming this understanding with respect to H.R. 761, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration of H.R. 761.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 3, 2013.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary, Ray-
burn HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 761, the National Strategic and Critical Minerals Production Act of 2013. As you know, the Committee on Natural Resources ordered reported the bill, as amended, on May 15, 2013. I appreciate your support in bringing this legislation before the House of Representatives, and accord-

ingly, understand that the Committee on the Judiciary will forego action on the bill.

The Committee on Natural Resources concurs with the mutual understanding that by foregoing consideration of H.R. 761 at this time, the Committee on the Judiciary does not waive any jurisdiction over the subject matter contained in this or similar legislation. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on the Judiciary represented on the conference committee. Finally, I would be pleased to include your letter and this response in the bill report filed by the Committee on Natural Resources, as well as in the Congressional Record during floor consideration, to memorialize our understanding.

Thank you for your cooperation.

Sincerely,

DOC HASTING,
Chairman.

Mr. RAHALL. Mr. Chairman, while I strongly support efforts to enhance our domestic security by reducing our reliance on foreign sources of strategic and critical minerals, but aside from its short title, the pending legislation has nothing to do with that goal.

In fact, this legislation provides relief to any and all types of minerals on public lands—minerals such as gold, silver and copper produced under the Mining Law of 1872.

These are minerals that are mined for free, with no royalty charged in return for their removal from lands owned by all Americans.

Yet, the pending legislation would provide multi-national conglomerates with even more relief in their pursuit of mining free gold from federal lands.

It is not limited in scope to, for instance, rare earth minerals used in fuel cells and solar panels among other applications. Rare earths are certainly strategic and critical.

Instead, the bill provides relief to any "mineral exploration or mine permit" with plans of operations issued by the BLM under its 3809 regulation and the Forest Service under its counterpart regulations.

Read the bill. Look up those regulations.

The BLM 3809 regulations are clear, they apply to "all operations authorized by the mining laws on public lands where the mineral interest is reserved to the United States."

The Forest Service regulations referenced in the bill state they apply to "the surface of National Forest System lands in connections with operations authorized by the United States mining laws . . ."

So I say to my colleagues, understand what you will be voting on. Understand that this bill provides additional relief to mostly foreign owned companies who are extracting gold, silver and other hardrock minerals from our lands, our public lands, without paying a royalty in return.

Mine coal on federal lands, you pay a royalty. Drill for oil and natural gas on public lands, you pay a royalty. But not gold, not silver, and not copper.

I oppose this legislation.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Strategic and Critical Minerals Production Act of 2013".

SEC. 2. FINDINGS.

Congress finds the following:

(1) *The industrialization of China and India has driven demand for nonfuel mineral commodities, sparking a period of resource nationalism exemplified by China's reduction in exports of rare-earth elements necessary for telecommunications, military technologies, healthcare technologies, and conventional and renewable energy technologies.*

(2) *The availability of minerals and mineral materials are essential for economic growth, national security, technological innovation, and the manufacturing and agricultural supply chain.*

(3) *The exploration, production, processing, use, and recycling of minerals contribute significantly to the economic well-being, security and general welfare of the Nation.*

(4) *The United States has vast mineral resources, but is becoming increasingly dependent upon foreign sources of these mineral materials, as demonstrated by the following:*

(A) *Twenty-five years ago the United States was dependent on foreign sources for 30 nonfuel mineral materials, 6 of which the United States imported 100 percent of the Nation's requirements, and for another 16 commodities the United States imported more than 60 percent of the Nation's needs.*

(B) *By 2011 the United States import dependence for nonfuel mineral materials had more than doubled from 30 to 67 commodities, 19 of which the United States imported 100 percent of the Nation's requirements, and for another 24 commodities, imported more than 50 percent of the Nation's needs.*

(C) *The United States share of worldwide mineral exploration dollars was 8 percent in 2011, down from 19 percent in the early 1990s.*

(D) *In the 2012 Ranking of Countries for Mining Investment, out of 25 major mining countries, the United States ranked last with Papua New Guinea in permitting delays, and towards the bottom regarding government take and social issues affecting mining.*

SEC. 3. DEFINITIONS.

In this Act:

(1) **STRATEGIC AND CRITICAL MINERALS.**—The term "strategic and critical minerals" means minerals that are necessary—

(A) *for national defense and national security requirements;*

(B) *for the Nation's energy infrastructure, including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production;*

(C) *to support domestic manufacturing, agriculture, housing, telecommunications, healthcare, and transportation infrastructure; or*

(D) *for the Nation's economic security and balance of trade.*

(2) **AGENCY.**—The term "agency" means any agency, department, or other unit of Federal, State, local, or tribal government, or Alaska Native Corporation.

(3) **MINERAL EXPLORATION OR MINE PERMIT.**—The term "mineral exploration or mine permit" includes plans of operation issued by the Bureau of Land Management and the Forest Service pursuant to 43 C.F.R. 3809 and 36 C.F.R. 228A or the authorities listed in 43 C.F.R. 3503.13, respectively.

TITLE I—DEVELOPMENT OF DOMESTIC SOURCES OF STRATEGIC AND CRITICAL MINERALS

SEC. 101. IMPROVING DEVELOPMENT OF STRATEGIC AND CRITICAL MINERALS.

Domestic mines that will provide strategic and critical minerals shall be considered an “infrastructure project” as described in Presidential Order “Improving Performance of Federal Permitting and Review of Infrastructure Projects” dated March 22, 2012.

SEC. 102. RESPONSIBILITIES OF THE LEAD AGENCY.

(a) **IN GENERAL.**—The lead agency with responsibility for issuing a mineral exploration or mine permit shall appoint a project lead who shall coordinate and consult with cooperating agencies and any other agency involved in the permitting process, project proponents and contractors to ensure that agencies minimize delays, set and adhere to timelines and schedules for completion of the permitting process, set clear permitting goals and track progress against those goals.

(b) **DETERMINATION UNDER NEPA.**—To the extent that the National Environmental Policy Act of 1969 applies to any mineral exploration or mine permit, the lead agency with responsibility for issuing a mineral exploration or mine permit shall determine that the action to approve the exploration or mine permit does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 if the procedural and substantive safeguards of the permitting process alone, any applicable State permitting process alone, or a combination of the two processes together provide an adequate mechanism to ensure that environmental factors are taken into account.

(c) **COORDINATION ON PERMITTING PROCESS.**—The lead agency with responsibility for issuing a mineral exploration or mine permit shall enhance government coordination for the permitting process by avoiding duplicative reviews, minimizing paperwork and engaging other agencies and stakeholders early in the process. The lead agency shall consider the following best practices:

(1) Deferring to and relying upon baseline data, analyses and reviews performed by State agencies with jurisdiction over the proposed project.

(2) Conducting any consultations or reviews concurrently rather than sequentially to the extent practicable and when such concurrent review will expedite rather than delay a decision.

(d) **SCHEDULE FOR PERMITTING PROCESS.**—At the request of a project proponent, the lead agency, cooperating agencies and any other agencies involved with the mineral exploration or mine permitting process shall enter into an agreement with the project proponent that sets time limits for each part of the permitting process including the following:

(1) The decision on whether to prepare a document required under the National Environmental Policy Act of 1969.

(2) A determination of the scope of any document required under the National Environmental Policy Act of 1969.

(3) The scope of and schedule for the baseline studies required to prepare a document required under the National Environmental Policy Act of 1969.

(4) Preparation of any draft document required under the National Environmental Policy Act of 1969.

(5) Preparation of a final document required under the National Environmental Policy Act of 1969.

(6) Consultations required under applicable laws.

(7) Submission and review of any comments required under applicable law.

(8) Publication of any public notices required under applicable law.

(9) A final or any interim decisions.

(e) **TIME LIMIT FOR PERMITTING PROCESS.**—In no case should the total review process described in subsection (d) exceed 30 months unless agreed to by the signatories of the agreement.

(f) **LIMITATION ON ADDRESSING PUBLIC COMMENTS.**—The lead agency is not required to address agency or public comments that were not submitted during any public comment periods or consultation periods provided during the permitting process or as otherwise required by law.

(g) **FINANCIAL ASSURANCE.**—The lead agency will determine the amount of financial assurance for reclamation of a mineral exploration or mining site, which must cover the estimated cost if the lead agency were to contract with a third party to reclaim the operations according to the reclamation plan, including construction and maintenance costs for any treatment facilities necessary to meet Federal, State or tribal environmental standards.

(h) **APPLICATION TO EXISTING PERMIT APPLICATIONS.**—This section shall apply with respect to a mineral exploration or mine permit for which an application was submitted before the date of the enactment of this Act if the applicant for the permit submits a written request to the lead agency for the permit. The lead agency shall begin implementing this section with respect to such application within 30 days after receiving such written request.

(i) **STRATEGIC AND CRITICAL MINERALS WITHIN NATIONAL FORESTS.**—With respect to strategic and critical minerals within a federally administered unit of the National Forest System, the lead agency shall—

(1) exempt all areas of identified mineral resources in Land Use Designations, other than Non-Development Land Use Designations, in existence as of the date of the enactment of this Act from the procedures detailed at and all rules promulgated under part 294 of title 36, Code for Federal Regulations;

(2) apply such exemption to all additional routes and areas that the lead agency finds necessary to facilitate the construction, operation, maintenance, and restoration of the areas of identified mineral resources described in paragraph (1); and

(3) continue to apply such exemptions after approval of the Minerals Plan of Operations for the unit of the National Forest System.

SEC. 103. CONSERVATION OF THE RESOURCE.

In evaluating and issuing any mineral exploration or mine permit, the priority of the lead agency shall be to maximize the development of the mineral resource, while mitigating environmental impacts, so that more of the mineral resource can be brought to the market place.

SEC. 104. FEDERAL REGISTER PROCESS FOR MINERAL EXPLORATION AND MINING PROJECTS.

(a) **PREPARATION OF FEDERAL NOTICES FOR MINERAL EXPLORATION AND MINE DEVELOPMENT PROJECTS.**—The preparation of Federal Register notices required by law associated with the issuance of a mineral exploration or mine permit shall be delegated to the organization level within the agency responsible for issuing the mineral exploration or mine permit. All Federal Register notices regarding official document availability, announcements of meetings, or notices of intent to undertake an action shall be originated and transmitted to the Federal Register from the office where documents are held, meetings are held, or the activity is initiated.

(b) **DEPARTMENTAL REVIEW OF FEDERAL REGISTER NOTICES FOR MINERAL EXPLORATION AND MINING PROJECTS.**—Absent any extraordinary circumstance or except as otherwise required by any Act of Congress, each Federal Register notice described in subsection (a) shall undergo any required reviews within the Department of the Interior or the Department of Agriculture and be published in its final form in the Federal Register no later than 30 days after its initial preparation.

TITLE II—JUDICIAL REVIEW OF AGENCY ACTIONS RELATING TO EXPLORATION AND MINE PERMITS

SEC. 201. DEFINITIONS FOR TITLE.

In this title the term “covered civil action” means a civil action against the Federal Government containing a claim under section 702 of title 5, United States Code, regarding agency action affecting a mineral exploration or mine permit.

SEC. 202. TIMELY FILINGS.

A covered civil action is barred unless filed no later than the end of the 60-day period beginning on the date of the final Federal agency action to which it relates.

SEC. 203. RIGHT TO INTERVENE.

The holder of any mineral exploration or mine permit may intervene as of right in any covered civil action by a person affecting rights or obligations of the permit holder under the permit.

SEC. 204. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

The court shall endeavor to hear and determine any covered civil action as expeditiously as possible.

SEC. 205. LIMITATION ON PROSPECTIVE RELIEF.

In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation.

SEC. 206. LIMITATION ON ATTORNEYS' FEES.

Sections 504 of title 5, United States Code, and 2412 of title 28, United States Code (together commonly called the Equal Access to Justice Act) do not apply to a covered civil action, nor shall any party in such a covered civil action receive payment from the Federal Government for their attorneys' fees, expenses, and other court costs.

The CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 113–214. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the 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.

AMENDMENT NO. 1 OFFERED BY MR. LOWENTHAL

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 113–214.

Mr. LOWENTHAL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The CHAIR. Pursuant to House Resolution 347, the gentleman from California (Mr. LOWENTHAL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LOWENTHAL. Mr. Chair, I was puzzled when I read the bill title, the National Strategic and Critical Minerals Production Act, and then went on to read the bill text. Surely there must have been a mistake when drafting this bill. Strategic and critical minerals were certainly not meant to include sand, gravel, and clay.

But right now, section 3 of this bill is written so broadly that it would include very common nonstrategic and noncritical minerals—even going so far, as I mentioned, to encompass materials such as sand, gravel, and clay.

The Interior Department recently testified before my colleagues on the Natural Resources Committee and confirmed that this is, in fact, exactly the case. The bill that we are now considering is written expansively beyond critical minerals.

The Interior Department testified:

This legislation would remove many of the environmental safeguards for almost all kinds of hardrock mines on public lands, bypassing evaluation of potential impacts under NEPA, and limit public involvement in agency decisionmaking.

That's why I introduce an amendment that would simply narrow the bill's definition of purported strategic and critical minerals to actual strategic and critical minerals, as defined by the National Research Council.

Why is my amendment critical? It is because instead of ostensibly fast-tracking only strategic and critical minerals, which this bill I think does poorly, this legislation appears to be a guise for mining interests to loosen public review, judicial review, and environmental protections not just for strategic and critical minerals, but for all hardrock mining.

We could have a debate about how to ensure America's supply of strategic and critical minerals, but first we have to get the definition right.

I urge the adoption of my amendment, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, this amendment really picks up on what my arguments were at the end of the general debate

because the effect of this amendment would be to pick winners and losers by narrowly defining a use. And as I stated in my closing remarks, we have four categories that I think are very broad and change over a period of time.

So what this amendment does is try to restrict what may be decided as a critical mineral. Of course, that will change over time. If this amendment is adopted—and I, obviously, urge rejection of this amendment—but if it were to be adopted, I can make a prediction that I know would come back, and that is we'll be back here in the future saying there's another set of critical minerals that we need to define. And we keep doing that over and over and over. Isn't it much better to define the categories and then apply those minerals to those categories? Because they will change.

I find it kind of interesting, too, Mr. Chairman, because I closed my general debate remarks by talking about sand and gravel. My good friend from southern California, I guess, alluded to the fact that sand and gravel don't fit into that category. I'm not going to ask him to answer me, but I'll just ask the question rhetorically, I wonder if he felt that way after the earthquake collapsed freeways in southern California. Would he have liked to wait maybe 4 years for the permitting process to get sand and gravel in order to build those freeways that are so important to southern California?

I asked that question rhetorically, of course, Mr. Chairman.

□ 1445

But I just want to say that this amendment would do exactly opposite of what the intent of this bill is about, and that is that it picks winners and losers. I urge its rejection, and I reserve the balance of my time.

Mr. LOWENTHAL. I welcome those comments, but let's be real clear what I'm talking about. I am talking about eliminating a giveaway of almost all hard rock mining, to really defining what is strategic and critical as defined by the robust methodology in the National Research Council's report.

Now, what do I mean by a robust methodology? It says if we look at all the mining that we have, if we look at what we have to define as strategic, we have to look along two dimensions in a scientific way. We have to know: What is the impact of this mineral or this mining if there was a supply restriction? What would be the impact if there was a supply restriction? Would it impact defense? Would it impact national security? If it does have an impact, then it has a high rating on that.

Also, what about the supply risk? We need to measure, if we do not develop this mine at this place, are there other places that we can? If, in fact, a mineral has high supply risk, high impact, not only are those minerals defined now, but the Secretary of the Interior, using this methodology, will define. This clearly defines what is needed in

terms of strategic and critical, and not just everything.

I remind you that right now we are loosening in the bill the environmental protections, public participation, judicial review for everything. We're doing it, as was pointed out, for national defense, he said, anything that meets national security requirements, for energy infrastructure, pipelines, refining capacity, power generation, domestic manufacturing—which includes everything, whether it's important or not—health care, telecommunications, transportation. What we're doing is we're gutting protections for everything, not those that are just needed.

I present a methodology which will allow a real clear definition, not just of what's in the bill now, but include a methodology that the Secretary of the Interior can include if the material is really needed to be mined.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. LOWENTHAL. I yield 30 seconds to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. China is not trying to lock up the world's sand and gravel. We do have to worry about the supply of yttrium and gadolinium and these other things that are necessary for jet engines and magnets and hard drives in laptops and so forth.

Let me just address the point that has to do with this definition that my friend from Washington talks about, winners and losers. Yes, this bill has winners and losers. The winners would be the mining companies. The losers would be local communities, the environment, water quality, wildlife, and the American taxpayers.

I thank the gentleman for yielding.

Mr. HASTINGS of Washington. I am prepared to close if the gentleman is prepared to close.

Mr. LOWENTHAL. Mr. Chairman, may I inquire as to how much time is remaining?

The CHAIR. The gentleman from California has 15 seconds remaining.

Mr. LOWENTHAL. Again, I introduced this amendment that would narrow the bill's definition to not what is purported to be strategic but actually what is strategic, that if we're going to give benefits, they must be strategic, and my amendment provides for an actual way of measuring that.

I urge adoption of the amendment, and I yield back the balance of my time.

Mr. HASTINGS of Washington. How much time do I have remaining, Mr. Chairman?

The CHAIR. The gentleman from Washington has 3 minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

I think the gentleman from New Jersey did say this picks winners and losers—at least he didn't deny it—and then he tried to turn it around and say that we pick winners and losers. I will acknowledge that from this standpoint:

the winners will be those States that have huge, huge swaths of Federal land. The winners will be the communities in those States that have large swaths of Federal land that want to create jobs, because jobs are created because of the natural resources in those States. So from that sense, yes, we are picking winners and losers, and, frankly, I am proud of that.

But I have to say this, Mr. Chairman. In listening to my friend's argument on this, keep in mind what this bill does. This bill tries to provide certainty for those that would want to get into the mining business by saying that you have to have a decision made in 30 months. Now, the decision doesn't have to be affirmative, but there has to be a decision.

What this gentleman is saying, what the effect of this amendment is, as I hear his argument, is there is one more layer we have to go through before it is strategic, and that's the Secretary of the Interior. Does that not suggest that that might be a political problem, then, rather than a problem based on what is needed? No. The four broad categories is a much, much better way to do it.

I think the gentleman's amendment is misplaced. I urge its rejection, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. LOWENTHAL).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. LOWENTHAL. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. VEASEY

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 113-214.

Mr. VEASEY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The CHAIR. Pursuant to House Resolution 347, the gentleman from Texas (Mr. VEASEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. VEASEY. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer this amendment because, Mr. Chairman, mineral exploration and mining have a deep history in our country. We have vast resources

in America that we have been able to use for our own security, innovation, and economic benefit. This is why we must continue to explore these resources in a smart, environmentally sensitive manner.

It is dangerous for America to depend on countries like China for rare-earth elements and rare metals. These elements are necessary for telecommunications, military technologies, health care technologies, as well as conventional and renewable energy technologies. But the underlying bill goes far beyond these specific minerals in defining what constitutes "strategic and critical."

While the National Strategic and Critical Minerals Production Act gives four characteristics for what should be a strategic and critical mineral, it leaves the exact minerals open to interpretation. The majority has stated that their purpose in leaving the definition so broad is to allow for flexibility over time. This bill would cover virtually all hard rock mining on Federal lands.

I think most Americans will agree that sand and gravel are important to our economy, but how many would be willing to go on Federal lands, places such as the Grand Canyon, in order to mine these two elements?

That is why I have proposed my amendment to H.R. 761. My amendment would give the Secretary of the Interior the authority to specifically list what are strategic and critical minerals and make this information available to the public. After a given number of years looking at the global and national landscape for mineral exploration, the Secretary would have the authority to change this list as factors dictate. This allows for flexibility in responding to global mineral markets while protecting our public resources.

Mr. Chairman, I know both Democrats and Republicans strongly support the development of rare-earth elements and other critical minerals necessary for our national security and national competitiveness, but we must refrain from allowing the mining industry to define what is critical solely in accordance with their economic needs. That is why I urge my colleagues to vote "yes" on my amendment to define what minerals are of national public interest and to protect the prestige of our public lands.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Clearly, with the last amendment and this amendment, my colleagues on the other side of the aisle are really disturbed about what strategic is. I guess I can understand that. I obviously disagree with that.

This is very similar to the last amendment, except it specifically gives the Secretary of the Interior that power to decide what is critical or not.

Now, I'm sorry, Mr. Chairman, I don't think from a policy standpoint we should give that much power to anybody to say what is critical and not as far as minerals concerned that support our economy. Let me just give you a case in point of how we run into problems with this.

Less than 10 years ago, people were concerned about platinum group metals used in computers and electronics and the pending shortfall of copper. So because we hadn't defined these broad categories—see, if we had this bill in place 10 years ago, this category would have taken care of itself because the market would have suggested we need new minerals in order to support a certain sector of the economy. But no, when you pick winners and losers, then you have to go through the whole process and the hand-wringing and the high prices and all of those things that slow down the economy.

So, once again, in deference to my good friend that offered this amendment, in a bill that is trying to add certainty to the regulatory process, this adds another layer of uncertainty by giving it to the Secretary of the Interior. I'm sorry, Mr. Chairman, I don't think that is good policy.

This goes along again with the last amendment. By voice vote, that was rejected. This should be rejected in a like manner. I urge my colleagues to oppose the amendment, and I reserve the balance of my time.

Mr. VEASEY. Mr. Chairman, I would like to ask the gentleman from Washington, in this bill, who would decide what is a strategic and critical mineral?

I yield to the gentleman.

Mr. HASTINGS of Washington. I would be more than happy to tell you. And I made this. If you look on page five, under Definitions: Strategic and Critical Minerals. The term "strategic and critical minerals" means minerals that are necessary—and there's four categories—for national defense and national security requirements. I can't predict in 25 years which mineral will support our weapons, for example, but that is a category in which that would be a critical mineral.

B, for the Nation's energy infrastructure, including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production. Now, I have no idea what, in the future, critical minerals we will need to support those activities, but I know before wind and solar took hold, nobody was worrying about those minerals. But this category, if you had it by category, you would not have to go through the hand-wringing to find out where that source is.

C, to support domestic manufacturing, agriculture, housing, telecommunications, health care, and transportation infrastructure.

Mr. VEASEY. Mr. Chairman, reclaiming my time, again, I want to ask the gentleman: Who would decide what is strategic and a critical mineral? I mean, I listened to the gentleman in his explanation, and I never heard exactly who would decide in his explanation.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. VEASEY. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Well, just let me finish then because there's only one more, and I do want to say that.

For the Nation's economic security and balance of trade. So once that category is defined and somebody wants to refine some element—I don't know, pick a name; there are all these new names; I can't pronounce them anyway—and they find out that there's a new industry that wants a certain element, if an entrepreneur wants to mine for that, they make the permit and it's decided by the Federal agency. Very simple. And if it fits this category, he gets the permit. That's the beauty of it.

Mr. VEASEY. Reclaiming my time, Mr. Chairman, the answer to that would be the Secretary of the Interior.

I yield back the balance of my time.

□ 1500

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of the time.

I just want to say that we have somewhat exhausted this; but the difference between this gentleman's amendment and the broad categories I say is that he—he—or I should say the Secretary of the Interior—picks that. The Secretary picks it.

Under the underlying bill, yes, the Secretary picks it; but if it meets these broad categories, then, of course, he has to pick that mineral. That makes perfectly good sense because it responds to the marketplace.

Mr. Chairman, I urge rejection of this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. VEASEY).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. VEASEY. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. CONNOLLY

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 113-214.

Mr. CONNOLLY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The CHAIR. Pursuant to House Resolution 347, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY. Mr. Chairman, I yield myself such time as I may consume.

Here we go again. Another week, another attempt by the House majority to gut critical environmental protections that we know save lives and communities. Right before we left for the August recess, a break I urged the Republican leadership to forego, the House passed a reckless offshore oil drilling bill that risks our shoreline communities along the Atlantic, Pacific, and gulf coasts. And for what? To continue our dependence on fossil fuels.

H.R. 761 is not unknown to Congress. In fact, we had passed a rule and were set to consider it only a few weeks ago before the House majority abruptly pulled it from the floor and rammed through a partisan farm bill instead—a bill that protected farm subsidies, crop insurance guarantees, and handouts for Big Agribusiness, including some Members of this very body, at the expense of the neediest among us, including more than 210,000 children.

Yet here we are today. Once again, the House majority is attempting to not only remove environmental safeguards provided under the National Environmental Policy Act, but to set arbitrary deadlines for its approval process.

I am pleased to once again offer this commonsense amendment that will preserve NEPA protections and ensure that a thorough safety review is conducted.

In 1969, Congress passed the National Environmental Policy Act, a bipartisan act with strong Republican support, including President Richard Nixon, who understood then that environmental impacts on large projects must be explored, understood, and eventually mitigated.

Under NEPA, any infrastructure project that could have a significant impact is now subject to an environmental impact statement, which outlines the purpose of the project, possible alternatives, the affected environment, and the consequences of completing the project. The findings are then considered prior to final project approval.

Projects with less environmental impact may be subjected to a less detailed environmental assessment instead. Some projects, like the construction of a foot trail, may be deemed to have no significant environmental impact and can receive a categorical exclusion.

Make no mistake, the bill before us today has no foot path. We are talking about major mining projects that could devastate entire communities. There are many aspects of mineral exploration policy for which statutory changes should be considered, such as closing Clean Air Act and Clean Water Act loopholes. Unfortunately, that's not what we're doing here.

As I've noted before, considering that all other major projects, even transit projects with clear environmental benefits, must still go through an environmental impact statement, it is absurd to turn around and exclude from such analysis activities or put an arbitrary time limit on it that has such potential to actually destroy ecosystems and regional economies.

My commonsense amendment, Mr. Chairman, would simply restore that process so that there can be peace and comfort of mind to affected communities, and I urge its adoption.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Chairman, I rise to claim time in opposition to this amendment.

The CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. LAMBORN. Mr. Chairman, if you like the current 7- to 10-year timeframe to do mining permits in this country, then you will love this amendment; but this bill is all about making it possible to do mining in this country and use our natural resources in a reasonable, commonsense way.

Other countries, like Australia and Canada, have a 2-year time cycle from beginning to end to get your application and permit done so you can begin mining. In this country, it's 7 to 10 years. That's why we have declining activity of the well-paying jobs that mining produces, the resources that are available from mining so we don't have to rely on countries like China.

This amendment would eviscerate, this amendment would gut, what this bill is trying to do. It's unnecessary because NEPA already applies. NEPA remains in force. This just allows needless and endless bureaucratic delays by allowing NEPA to do an environmental impact statement at almost every step in the whole process.

It is important to have a certainty of when the process is over so you know whether or not you can invest in a long-term project like this. Seven to 10 years is beyond any of our economic cycles. It is not feasible from a business standpoint to wait that long in a commodity market like minerals and metals to make these investment decisions. You to have certainty, you have to have closure, you have to have a time certain that you're done.

So the 30-month timeframe is critical. We respect and uphold NEPA. It remains in effect, but we get rid of the ability to do it at every step in the process.

This amendment would be a backward step and back to the current status quo which makes it harder to have

mining projects in this country with the jobs that they create, with the benefit to our economy that these minerals allow for.

Mr. Chairman, I would urge a strong “no” on this amendment, and I reserve the balance of my time.

Mr. CONNOLLY. Mr. Chairman, I would inquire how much time is left on this side.

The CHAIR. The gentleman from Virginia has 2 minutes remaining.

Mr. CONNOLLY. Mr. Chairman, I yield myself such time as I may consume.

I certainly respect my friend and his point of view about the mining industry. I wish it were true that the other side of the aisle respects the NEPA process; but, frankly, we’ve had bill after bill and amendment after amendment in excess of 100 that actually attack everything from the Clean Water Act to the Clean Air Act that have resisted regulation even when it comes to public health and particulate matter, for example. They have assaulted the NEPA process every step of the way.

In this bill, there’s a huge carve-out for one industry—the mining industry. It is not true that the average is 7 to 10 years. It may be true that some have had that. But it is also true that a NEPA process protects communities. It answers questions. It answers the very uncertainty my friend talked about. But sometimes it answers that uncertainty in a way that the industry and its supporters don’t like.

I think our job here is not so much to protect wealthy advocates of a particular industry who may also positively influence the financing of campaigns. I think our first duty is to protect public health and safety, those communities that have found themselves devastated because proper environmental analysis, in fact, had not been done. We have seen that all across America from Appalachia to southern Illinois to in the West.

I, too, want to make sure we unlock strategic minerals and that the United States has them available when it needs it. But I don’t believe that the tradeoff has to be at the expense of every community that could potentially be the site of a mine.

Mr. Chairman, I actually strongly urge my colleagues to vote “yes” for this commonsense amendment to restore an environmental analysis process that, in fact, has worked.

I yield back the balance of my time.

Mr. LAMBORN. Mr. Chairman, I yield myself such time as I may consume.

I would like to remind my colleague from Virginia that this administration has streamlined NEPA for several uses during its time in office for renewable energy projects, for highways, for the so-called “stimulus” that we had in 2007. So this administration at times, anyway, sees the need to balance the creation of jobs with protecting the environment, but not allowing environmental regulations to be used to endlessly delay projects.

Mr. Chairman, this amendment, I’m afraid, would endlessly delay the production of the projects that we need to produce critical and strategic minerals. For that reason I urge a “no” vote.

Mr. Chairman, may I inquire as to how much time I have left.

The CHAIR. The gentleman from Colorado has 1½ minutes remaining.

Mr. LAMBORN. Mr. Chairman, I yield 1 minute to my colleague and friend from New Mexico, Representative PEARCE.

Mr. PEARCE. I thank the gentleman for yielding.

Mr. Chairman, I would make a comment to my friend from Virginia that we in the West are being protected from ourselves, we are being protected from jobs. The devastation is in our jobs.

I have one county—I have 18 counties—one county is 7,000 square miles. That is three times the size of Delaware. It is six times the size of Rhode Island. It has a population of 3,725 people. The jobs have gone away. There used to be 11 rare-earth mineral mines in the southern district of New Mexico. Today there are none. All of those jobs have gone to China.

This is just a commonsense bill that says we are going to go through the process. We have economies that are being devastated, but it’s not an environmental devastation. It is from the environmentalist who will sue to stop every single job in the West. We’ve lost our mining jobs; we’ve lost our timber jobs. These are areas that are not sitting out here making life unlivable and unhealthy; these are areas that are looking for jobs.

I would urge a “no” vote on the amendment with respect to my friend.

Mr. LAMBORN. Mr. Chairman, I yield myself the remainder of my time and say that if you think it’s a good situation for the United States to be lumped in with Papua, New Guinea, dead last among mining countries in this world, as shown by a recent study, in that it takes 7 to 10 years to get mining projects off the ground, then you would like this amendment. But if you don’t, if you think we can protect the environment at the same time as creating jobs and strike that balance, which this bill does, then you will vote “no” on this amendment and “yes” on H.R. 761.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. CONNOLLY. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. HASTINGS OF FLORIDA

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 113-214.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The CHAIR. Pursuant to House Resolution 347, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Let me read the amendment. It’s very short:

The lead agency with responsibility for issuing a mineral exploration or mine permit may not issue such permit until the applicant for the permit has fully reimbursed the United States, each State, and each Native American tribe for all costs incurred by the United States and such State and such tribe respectively for issuance of the permit. Such reimbursement shall include costs of all Federal, State and tribal reviews and approvals required for the permit, contracting costs and salaries, including benefits for State and Federal employees and the conduct of reviews by State, a State that under authority delegated to the State under Federal law.

□ 1515

Mr. Chairman, the amendment that I offer today to H.R. 761 would reimburse the costs of permitting in order that the National Environmental Policy Act requirements be met. Those who complain about the National Environmental Policy Act permitting—and it has been said here repeatedly on the floor, and when I was managing the rule earlier today, it was said—often cite timing as a concern. With budget cuts, furloughs, and other competing work, it is not possible to meet all the demands. The reimbursement of any and all costs will help to resolve this issue and provide for meaningful public participation in the decisionmaking process for the use of Federal lands.

Mr. Chairman, I would ultimately ask that my amendment be made in order.

I reserve the balance of my time.

Mr. LAMBORN. I rise in opposition to this amendment.

The CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. LAMBORN. Mr. Chairman, I appreciate the intention behind this amendment, and I thank the gentleman for offering it. I do want to reassure him, though, that the bill and current law already satisfy what he is after, so I would urge a "no" vote on this amendment.

Let me read specifically from the language of the bill. This is on page 9. I'm going to read a paragraph, and, hopefully, this will alleviate your concerns:

(g) Financial Assurance. The lead agency will determine the amount of financial assurance for reclamation of a mineral exploration or mining site, which must cover the estimated cost if the lead agency were to contract with a third party to reclaim the operations according to the reclamation plan, including construction and maintenance costs for any treatment facilities necessary to meet Federal, State or tribal environmental standards.

So, in case the company goes bankrupt—in the worst case scenario—it has to post a bond, and I believe it's equal to 140 percent of what the reclamation cost would be.

We already have comprehensive regulations in addition to the bill language from the Bureau of Land Management and the U.S. Forest Service. These regulations have been revised during both the Clinton and Bush administrations so that, today, both BLM and Forest Service regulations require that exploration and mining activities have the resources necessary to ensure reclamation after it's over even if the company goes bankrupt.

I appreciate the intention behind this amendment, but I believe it is completely unnecessary. So, for that reason, Mr. Chairman, I would urge a "no" vote on the amendment.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I need to make a correction.

I had two amendments in the Rules Committee last night. The one that I just read into the RECORD and that my friend and colleague just responded to was the one that was not made in order, but I will be very brief because the one that was made in order, amendment No. 4, which we are addressing, requires financial assurance in the form of a surety bond, a letter of credit, or other instrument that would routinely be accepted in commerce.

In the interest of time, I would only offer, Mr. Chairman, that my full statement on amendment No. 4 be placed in the RECORD. I am sure my colleague has time to respond to amendment No. 4. If he does not, I would be prepared to yield to him whatever time I have in order for him to respond.

I reserve the balance of my time.

Mr. Chairman, the amendment that I offer today to H.R. 761, would reimburse the cost of permitting and order that the National Environmental Policy Act (NEPA) requirements be met. Those who complain about NEPA permitting, often cite timing as a concern. With budget cuts, furloughs, and other competing work, it is not possible to meet all demands.

Reimbursement of any and all costs will help to resolve this issue, and provide for meaningful public participation in the decision-making process for the use of Federal lands.

Thank you, Mr. Chairman. I urge the Committee to make my amendment in order.

At the end of title I (page 12, after line 2) add the following:

SEC. 01. ADDITIONAL REQUIREMENTS FOR ISSUANCE OF MINERAL EXPLORATION OR MINE PERMIT.

(a) RECOVERY OF COSTS.—

(1) IN GENERAL.—The lead agency with responsibility for issuing a mineral exploration or mine permit may not issue such permit until the applicant for the permit has fully reimbursed the United States, each State, and each Indian tribe for all costs incurred by the United States, such State, and such tribe, respectively, for issuance of the permit.

(2) COSTS INCLUDED.—Such reimbursement shall include—

(A) costs of all Federal, State, and tribal reviews and approvals required for the permit; and

(B) contracting costs and salaries (including benefits) for State and Federal employees.

(b) CONDUCT OF REVIEWS BY STATES.—A State that, under authority delegated to the State under Federal law, performs any function required for the issuance of a mineral exploration or mine permit shall perform such function in accordance with all requirements that would apply under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to performance of such function by a Federal agency.

(c) EXTENSION OF TIME LIMITS.—Any period of time established by Federal law for the issuance of a mineral exploration or mine permit shall be extended by the period of any delay in such issuance that is attributable to a failure of the permit applicant to timely complete any action required for such issuance, including any failure to timely submit any request or payment.

Mr. LAMBORN. May I inquire of the Chair how much time I have remaining.

The CHAIR. The gentleman from Colorado has 3 minutes remaining.

Mr. LAMBORN. Mr. Chairman, let me just summarize by saying that we already have it in current law and that it's already addressed in this bill that there must be adequate financial assurances given, including the posting of bonds to ensure that the reclamation can take place by contract for third parties if the company goes bankrupt or, for whatever reason, can't follow through. All of our western public land States also have comprehensive regulatory and bonding programs covering hard rock mining. That's in addition to the Federal laws and regulations. In many of these States, the Federal and State agencies work together to jointly manage the reclamation and bonding projects.

As of June of 2013, BLM, in conjunction with its State partners, currently holds more than \$2.2 billion in financial assurances to reclaim potential mining sites around the U.S. So you can see this is an active and well-funded program that is in place. Under regulation, these holdings are reviewed and adjusted annually to make sure that costs won't spiral out of control if we

have inflation or unforeseen contingencies. In some instances, mining companies are required to establish trust funds and to build them over the course of the mine life to ensure adequate funding for any long-term treatment facilities that might be necessary to meet Federal, State, or tribal environmental standards.

So I believe, Mr. Chairman, that there are already in place appropriate and adequate protections and regulations and that the bill respects that also. I respect the gentleman for his intentions on this amendment, but I believe that it is unnecessary, and for that reason, I would urge a "no" vote.

I yield back the balance of my time.

Mr. HASTINGS of Florida. I would just say to my colleague that there are deficiencies and inadequacies of funding in the measures that you cited, and they do not cover the cost of cleanup and accidents. That's why we are addressing it.

Mr. Chairman, I would ask and urge my colleagues to vote "aye" on this measure.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. PEARCE

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 113-214.

Mr. PEARCE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The CHAIR. Pursuant to House Resolution 347, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, I offer an amendment today to H.R. 761, the National Strategic and Critical Minerals Production Act.

My amendment is very simple. It only serves to clarify the scope of the bill by stating that it does not impact the rules put in place by Secretarial Order No. 3324, issued by the Secretary of the Interior late last year. That order sets in place buffer zones between potash mines and oil and gas drilling, among other requirements. The Permian Basin's potash reserves are some

of the purist in the world, and our oil and gas drilling plays a key role in the current energy boom that the country is experiencing.

There is a very long history between potash and drilling operators in the region, and the secretarial order helped to clarify some of those issues. I've spent the better part of my career in Congress working to facilitate an agreement between these two industries to ensure both are able to thrive simultaneously. While some have criticisms of the secretarial order, it is an important step in the process of assuring the safe extraction of mineral resources.

My amendment simply clarifies that the text of the bill cannot be used by the Bureau of Land Management to show favoritism for either potash or oil and gas leases within the area laid out in the secretarial order. It does not affect the underlying bill, and it does not cost the American taxpayers a single dime. It brings economic stability to the Permian Basin and ensures that these two mineral resources can be safely and properly developed side by side.

I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, I rise to claim the time that is allotted to the opposition to this amendment, although I do not intend to oppose it.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. HOLT. Mr. Chairman, I am pleased to have the opportunity to speak on this amendment because it makes a point very well that I was making earlier today.

We have criticized this bill because, while it is being sold as necessary for critical and strategic minerals, the definition is so broad that it would cover virtually all mining on public lands. Mr. PEARCE shares our concern. The gentleman is worried that, if H.R. 761 is enacted, the definition is broad enough that it would cover even potash.

Now, potash is important as fertilizer for crops and for other purposes, but let's be clear—it is not used very much in high-tech manufacturing; it is not used in manufacturing items that are important for our national defense; and it is not scarce. It is one of a long list of minerals that produces money for miners, but it should not be covered under this very broad definition in the underlying bill.

I agree with Mr. PEARCE that potash could be covered under this legislation, and we agree that elevating mining for potash on public lands under this bill could impact other uses of those lands, including the development of oil and gas, so I am happy to support this amendment to clarify this overly broad definition.

I would like to note that we had an amendment a few moments ago, offered by our colleague Mr. LOWENTHAL, which would fix the definition in this bill by limiting the bill to truly stra-

tegic and critical minerals determined to be, as the gentleman Mr. LOWENTHAL described, a really thorough and, let's say, academic definition of those minerals. It would address not only Mr. PEARCE's concerns, but it would solve one of the overall problems of this bill.

I am happy to support the amendment, and I thank the gentleman for making our case for us.

I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, I would like to differ with the gentleman from New Jersey, my friend.

He said that potash is not very high-tech. When you use a scoop shovel to follow the cows around and use the by-product from the cattle to fertilize with, potash is extremely high-tech.

So, with that one exception, I yield 30 seconds to the chairman of the subcommittee, the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. I thank the gentleman for yielding.

Mr. Chairman, nothing in this bill impacts the important multiple use mission of our Nation's public lands. One of the great stories of America is that our Nation recognizes the importance of balancing our land use for many different needs, including mineral and oil and gas development, renewable energy projects, grazing, timber harvests, hunting, fishing, recreation, and other important activities that bring economic vitality to our public lands.

This legislation doesn't change that. It simply addresses the long bureaucratic and burdensome permitting timelines required for mineral exploration and mine development by building on executive orders requiring coordination by regulatory agencies to process permits for infrastructure projects in a timely manner and without compromising environmental safeguards.

Mr. HOLT. I yield back the balance of my time.

Mr. PEARCE. Mr. Chairman, I have no other comments, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The amendment was agreed to.

□ 1530

Mr. LAMBORN. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAMALFA) having assumed the chair, Mr. FORTENBERRY, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration 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, had come to no resolution thereon.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 31 minutes p.m.), the House stood in recess.

□ 1631

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JOHNSON of Ohio) at 4 o'clock and 31 minutes p.m.

NATIONAL STRATEGIC AND CRITICAL MINERALS PRODUCTION ACT OF 2013

The SPEAKER pro tempore. Pursuant to House Resolution 347 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 761.

Will the gentleman from Utah (Mr. CHAFFETZ) kindly take the chair.

□ 1631

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further 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.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 5 printed in House Report 113-214 offered by the gentleman from New Mexico (Mr. PEARCE) had been disposed of.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 113-214 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. LOWENTHAL of California.

Amendment No. 2 by Mr. VEASEY of Texas.

Amendment No. 3 by Mr. CONNOLLY of Virginia.

Amendment No. 4 by Mr. HASTINGS of Florida.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. LOWENTHAL

The Acting CHAIR. The unfinished business is the demand for a recorded