

HR 4402

National Strategic and Critical Minerals Production Act of 2012

Congress: 112 (2011–2013, Ended)

Chamber: House

Policy Area: Public Lands and Natural Resources

Introduced: Apr 19, 2012

Current Status: Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.

Latest Action: Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
(Jul 16, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/house-bill/4402>

Sponsor

Name: Rep. Amodei, Mark E. [R-NV-2]

Party: Republican • **State:** NV • **Chamber:** House

Cosponsors (27 total)

| Cosponsor | Party / State | Role | Date Joined |
|---|---------------|------|--------------|
| Rep. Gosar, Paul A. [R-AZ-1] | R · AZ | | Apr 25, 2012 |
| Rep. Heck, Joseph J. [R-NV-3] | R · NV | | May 10, 2012 |
| Rep. Jones, Walter B., Jr. [R-NC-3] | R · NC | | May 10, 2012 |
| Rep. Long, Billy [R-MO-7] | R · MO | | May 10, 2012 |
| Rep. Benishek, Dan [R-MI-1] | R · MI | | May 15, 2012 |
| Rep. Conaway, K. Michael [R-TX-11] | R · TX | | May 15, 2012 |
| Rep. Johnson, Bill [R-OH-6] | R · OH | | May 15, 2012 |
| Rep. McMorris Rodgers, Cathy [R-WA-5] | R · WA | | May 15, 2012 |
| Rep. Bishop, Rob [R-UT-1] | R · UT | | May 16, 2012 |
| Rep. Coble, Howard [R-NC-6] | R · NC | | May 30, 2012 |
| Rep. Franks, Trent [R-AZ-2] | R · AZ | | May 30, 2012 |
| Rep. Labrador, Raul R. [R-ID-1] | R · ID | | May 30, 2012 |
| Rep. Tipton, Scott R. [R-CO-3] | R · CO | | May 30, 2012 |
| Rep. Young, Don [R-AK-At Large] | R · AK | | May 30, 2012 |
| Rep. Gardner, Cory [R-CO-4] | R · CO | | Jun 5, 2012 |
| Rep. Lummis, Cynthia M. [R-WY-At Large] | R · WY | | Jun 5, 2012 |
| Rep. Pearce, Stevan [R-NM-2] | R · NM | | Jun 5, 2012 |
| Rep. Rehberg, Denny [R-MT-At Large] | R · MT | | Jun 5, 2012 |
| Rep. Flake, Jeff [R-AZ-6] | R · AZ | | Jun 7, 2012 |
| Rep. Lamborn, Doug [R-CO-5] | R · CO | | Jun 7, 2012 |
| Rep. Luetkemeyer, Blaine [R-MO-9] | R · MO | | Jun 7, 2012 |
| Rep. Southerland, Steve II [R-FL-2] | R · FL | | Jun 7, 2012 |
| Rep. Coffman, Mike [R-CO-6] | R · CO | | Jun 21, 2012 |
| Rep. Harris, Andy [R-MD-1] | R · MD | | Jun 21, 2012 |
| Rep. Matheson, Jim [D-UT-2] | D · UT | | Jun 21, 2012 |
| Rep. Stivers, Steve [R-OH-15] | R · OH | | Jun 29, 2012 |
| Rep. McClinton, Tom [R-CA-4] | R · CA | | Jul 9, 2012 |

Committee Activity

| Committee | Chamber | Activity | Date |
|--|---------|-----------------|--------------|
| Energy and Natural Resources Committee | Senate | Referred To | Jul 16, 2012 |
| Judiciary Committee | House | Referred to | Apr 19, 2012 |
| Natural Resources Committee | House | Discharged from | May 16, 2012 |

Subjects & Policy Tags

Policy Area:

Public Lands and Natural Resources

Related Bills

| Bill | Relationship | Last Action |
|--------------|----------------------|---|
| 112 HRES 726 | Procedurally related | Jul 11, 2012: Motion to reconsider laid on the table Agreed to without objection. |

National Strategic and Critical Minerals Production Act of 2012 - **Title I: Development of Domestic Sources Of Strategic and Critical Minerals** - (Sec. 101) Deems a domestic mine that will provide strategic and critical minerals to be an "infrastructure project" as described in Presidential Order "Improving Performance of Federal Permitting and Review of Infrastructure Projects" dated March 22, 2012.

(Sec. 102) Sets forth the responsibilities of the lead agency (federal, state, local, tribal, or Alaska Native Corporation) with responsibility for issuing a mineral exploration or mine permit with respect to project coordination, agency consultation, project proponents, contractors, and the status and scope of any environmental impact statement.

Requires the lead agency to determine that any such action would 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 (NEPA) if the procedural and substantive safeguards of the lead agency's 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.

Requires the lead agency's project lead, at a project proponent's request, to enter into an agreement with the project proponent and other cooperating agencies that sets time limits for each part of the permit review process.

Applies this Act to a mineral exploration or mine permit for which an application was submitted before enactment of this Act if the applicant so requests in writing. Requires the lead agency to begin implementing this Act with respect to such application within 30 days after receiving such a request.

Requires the lead agency, with respect to strategic and critical materials within a federally administered unit of the National Forest System, to: (1) exempt from federal regulations governing Special Areas all areas of identified mineral resources in Land Use Designations (other than Non-Development Land Use Designations); (2) apply such exemption to all additional routes and areas that the agency finds necessary to facilitate the construction, operation, maintenance, and restoration of the areas of the identified mineral resources; and (3) continue to apply such exemptions after approval of the Minerals Plan of Operations for the unit.

(Sec. 103) Declares the priority of the lead agency is to maximize mineral resource development while mitigating environmental impacts, so that more of the mineral resource can be brought to the market place.

(Sec. 104) Prescribes the Federal Register notice process for mineral exploration and mining projects.

Title II: Judicial Review Of Agency Actions Relating To Exploration And Mine Permits - (Sec. 202) Bars a civil action claiming legal wrong caused by an agency action unless it is filed by the end of the 60-day period beginning on the date of the final federal agency action to which it relates.

(Sec. 203) Requires the court to hear and determine any covered civil action as expeditiously as possible.

(Sec. 204) Prohibits the court, in a covered civil action, from granting or approving prospective relief unless it 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 such violation.

(Sec. 205) Declares inapplicable to such a civil action specified requirements of the Equal Access to Justice Act relating to award of costs and fees to a prevailing plaintiff.

Prohibits payment from the federal government for court costs of a party in such a civil action, including attorneys' fees and expenses.

Actions Timeline

- **Jul 16, 2012:** Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
- **Jul 12, 2012:** Considered under the provisions of rule H. Res. 726. (consideration: CR H4831-4855)
- **Jul 12, 2012:** Rule provides for consideration of H.R. 4402 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. 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. All points of order against the amendment in the nature of a substitute are waived.
- **Jul 12, 2012:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 726 and Rule XVIII.
- **Jul 12, 2012:** The Speaker designated the Honorable Shelley Moore Capito to act as Chairwoman of the Committee.
- **Jul 12, 2012:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 4402.
- **Jul 12, 2012:** DEBATE - Pursuant to the provisions of H. Res. 726, the Committee of the Whole proceeded with 10 minutes of debate on the Tonko amendment No. 1.
- **Jul 12, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Tonko amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Tonko demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jul 12, 2012:** DEBATE - Pursuant to the provisions of H. Res. 726, the Committee of the Whole proceeded with 10 minutes of debate on the Hastings (FL) amendment No. 2.
- **Jul 12, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Hastings (FL) amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Hastings (FL) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jul 12, 2012:** DEBATE - Pursuant to the provisions of H. Res. 726, the Committee of the Whole proceeded with 10 minutes of debate on the Markey amendment No. 3.
- **Jul 12, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Markey amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Markey demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jul 12, 2012:** DEBATE - Pursuant to the provisions of H. Res. 726, the Committee of the Whole proceeded with 10 minutes of debate on the Young (AK) amendment No. 4.
- **Jul 12, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Young (AK) amendment, Chair put the question on adoption of the amendment and by voice vote announced that the ayes had prevailed. Mr. Holt demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jul 12, 2012:** DEBATE - Pursuant to the provisions of H. Res. 726, the Committee of the Whole proceeded with 10 minutes of debate on the Cravaack amendment No. 5.
- **Jul 12, 2012:** DEBATE - Pursuant to the provisions of H. Res. 726, the Committee of the Whole proceeded with 10 minutes of debate on the Hastings (FL) amendment No. 6.
- **Jul 12, 2012:** DEBATE - Pursuant to the provisions of H. Res. 726, the Committee of the Whole proceeded with 10 minutes of debate on the Grijalva amendment No. 7.
- **Jul 12, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Grijalva amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Grijalva demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jul 12, 2012:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Jul 12, 2012:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 4402.
- **Jul 12, 2012:** The previous question was ordered pursuant to the rule. (consideration: CR H4852)
- **Jul 12, 2012:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text of amendment in the nature of a substitute: CR H4839-4840)
- **Jul 12, 2012:** Ms. Slaughter moved to recommit with instructions to Natural Resources. (consideration: CR H4852-4854;

text: CR H4852)

- **Jul 12, 2012:** DEBATE - The House proceeded with 10 minutes of debate on the Slaughter motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment prohibiting the issuance of permits for mining to persons, corporations or their subsidiaries that have failed to pay any state or federal taxes. The motion also sought to add provisions to Federal mining permits prohibiting the export of strategic and critical minerals to China and Iran, and sought to require, to the extent practicable, that all mining equipment used under mining permits be made in America and to prohibit the holder of the permit from outsourcing American jobs.
- **Jul 12, 2012:** DEBATE - The House continued with debate on the Slaughter motion to recommit with instructions.
- **Jul 12, 2012:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H4853)
- **Jul 12, 2012:** On motion to recommit with instructions Failed by the Yeas and Nays: 181 - 231 (Roll No. 467). (consideration: CR H4854)
- **Jul 12, 2012:** Passed/agreed to in House: On passage Passed by recorded vote: 256 - 160 (Roll no. 468).
- **Jul 12, 2012:** On passage Passed by recorded vote: 256 - 160 (Roll no. 468).
- **Jul 12, 2012:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 11, 2012:** Rule H. Res. 726 passed House.
- **Jul 10, 2012:** Rules Committee Resolution H. Res. 726 Reported to House. Rule provides for consideration of H.R. 4402 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. 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. All points of order against the amendment in the nature of a substitute are waived.
- **Jul 9, 2012:** Reported (Amended) by the Committee on Natural Resources. H. Rept. 112-583, Part I.
- **Jul 9, 2012:** Committee on Judiciary discharged.
- **Jul 9, 2012:** Placed on the Union Calendar, Calendar No. 423.
- **May 16, 2012:** Subcommittee on Energy and Mineral Resources Discharged.
- **May 16, 2012:** Committee Consideration and Mark-up Session Held.
- **May 16, 2012:** Ordered to be Reported (Amended) by the Yeas and Nays: 24 - 12.
- **Apr 26, 2012:** Subcommittee Hearings Held.
- **Apr 19, 2012:** Introduced in House
- **Apr 19, 2012:** Referred to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Apr 19, 2012:** Referred to the Subcommittee on Energy and Mineral Resources.
- **Apr 19, 2012:** Referred to the Subcommittee on Courts, Commercial and Administrative Law.