

HR 761

National Strategic and Critical Minerals Production Act of 2013

Congress: 113 (2013–2015, Ended)

Chamber: House

Policy Area: Public Lands and Natural Resources

Introduced: Feb 15, 2013

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. (Sep 19, 2013)

Official Text: <https://www.congress.gov/bill/113th-congress/house-bill/761>

Sponsor

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

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

Cosponsors (57 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Benishek, Dan [R-MI-1]	R · MI		Feb 15, 2013
Rep. Bishop, Rob [R-UT-1]	R · UT		Feb 15, 2013
Rep. Bishop, Sanford D., Jr. [D-GA-2]	D · GA		Feb 15, 2013
Rep. Chaffetz, Jason [R-UT-3]	R · UT		Feb 15, 2013
Rep. Conaway, K. Michael [R-TX-11]	R · TX		Feb 15, 2013
Rep. Daines, Steve [R-MT-At Large]	R · MT		Feb 15, 2013
Rep. Franks, Trent [R-AZ-8]	R · AZ		Feb 15, 2013
Rep. Gardner, Cory [R-CO-4]	R · CO		Feb 15, 2013
Rep. Gohmert, Louie [R-TX-1]	R · TX		Feb 15, 2013
Rep. Gosar, Paul A. [R-AZ-4]	R · AZ		Feb 15, 2013
Rep. Heck, Joseph J. [R-NV-3]	R · NV		Feb 15, 2013
Rep. Johnson, Bill [R-OH-6]	R · OH		Feb 15, 2013
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		Feb 15, 2013
Rep. Labrador, Raul R. [R-ID-1]	R · ID		Feb 15, 2013
Rep. Lamborn, Doug [R-CO-5]	R · CO		Feb 15, 2013
Rep. Latta, Robert E. [R-OH-5]	R · OH		Feb 15, 2013
Rep. Luetkemeyer, Blaine [R-MO-3]	R · MO		Feb 15, 2013
Rep. Matheson, Jim [D-UT-4]	D · UT		Feb 15, 2013
Rep. Pearce, Stevan [R-NM-2]	R · NM		Feb 15, 2013
Rep. Salmon, Matt [R-AZ-5]	R · AZ		Feb 15, 2013
Rep. Schweikert, David [R-AZ-6]	R · AZ		Feb 15, 2013
Rep. Simpson, Michael K. [R-ID-2]	R · ID		Feb 15, 2013
Rep. Stewart, Chris [R-UT-2]	R · UT		Feb 15, 2013
Rep. Stivers, Steve [R-OH-15]	R · OH		Feb 15, 2013
Rep. Tipton, Scott R. [R-CO-3]	R · CO		Feb 15, 2013
Rep. Walberg, Tim [R-MI-7]	R · MI		Feb 15, 2013
Rep. Walden, Greg [R-OR-2]	R · OR		Feb 15, 2013
Rep. Young, Don [R-AK-At Large]	R · AK		Feb 15, 2013
Rep. Coffman, Mike [R-CO-6]	R · CO		Feb 28, 2013
Rep. Fincher, Stephen Lee [R-TN-8]	R · TN		Feb 28, 2013
Rep. Flores, Bill [R-TX-17]	R · TX		Feb 28, 2013
Rep. Graves, Tom [R-GA-14]	R · GA		Feb 28, 2013
Rep. Lummis, Cynthia M. [R-WY-At Large]	R · WY		Feb 28, 2013
Rep. McClintock, Tom [R-CA-4]	R · CA		Feb 28, 2013
Rep. Schock, Aaron [R-IL-18]	R · IL		Feb 28, 2013
Rep. Scott, Austin [R-GA-8]	R · GA		Feb 28, 2013
Rep. Southerland, Steve II [R-FL-2]	R · FL		Feb 28, 2013
Rep. Bachmann, Michele [R-MN-6]	R · MN		Mar 12, 2013
Rep. Cramer, Kevin [R-ND-At Large]	R · ND		Mar 12, 2013
Rep. Grimm, Michael G. [R-NY-11]	R · NY		Mar 12, 2013
Rep. Harris, Andy [R-MD-1]	R · MD		Mar 12, 2013

Cosponsor	Party / State	Role	Date Joined
Rep. Bucshon, Larry [R-IN-8]	R · IN		Mar 19, 2013
Rep. Duncan, Jeff [R-SC-3]	R · SC		Mar 19, 2013
Rep. Nunnelee, Alan [R-MS-1]	R · MS		Mar 19, 2013
Rep. Rogers, Mike J. [R-MI-8]	R · MI		Mar 21, 2013
Rep. Weber, Randy K., Sr. [R-TX-14]	R · TX		Mar 21, 2013
Rep. Kline, John [R-MN-2]	R · MN		Apr 12, 2013
Rep. McMorris Rodgers, Cathy [R-WA-5]	R · WA		Apr 12, 2013
Rep. Ross, Dennis A. [R-FL-15]	R · FL		Apr 12, 2013
Rep. Long, Billy [R-MO-7]	R · MO		May 8, 2013
Rep. Meadows, Mark [R-NC-11]	R · NC		May 14, 2013
Rep. Radel, Trey [R-FL-19]	R · FL		May 15, 2013
Rep. Westmoreland, Lynn A. [R-GA-3]	R · GA		May 22, 2013
Rep. Thompson, Glenn [R-PA-5]	R · PA		Jun 3, 2013
Rep. Diaz-Balart, Mario [R-FL-25]	R · FL		Jun 27, 2013
Rep. Miller, Candice S. [R-MI-10]	R · MI		Jun 28, 2013
Rep. Rohrabacher, Dana [R-CA-48]	R · CA		Jul 8, 2013

Committee Activity

Committee	Chamber	Activity	Date
Energy and Natural Resources Committee	Senate	Referred To	Sep 19, 2013
Judiciary Committee	House	Referred to	Apr 8, 2013
Natural Resources Committee	House	Discharged from	May 15, 2013

Subjects & Policy Tags

Policy Area:

Public Lands and Natural Resources

Related Bills

Bill	Relationship	Last Action
113 HR 4	Related bill	Nov 13, 2014: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 597.
113 HRES 347	Procedurally related	Sep 18, 2013: On agreeing to the resolution Agreed to by recorded vote: 231 - 190 (Roll no. 464). (text: CR H5600)
113 HRES 292	Procedurally related	Aug 1, 2013: Pursuant to the provisions of H. Res. 322, H. Res. 292 is laid on the table.

National Strategic and Critical Minerals Production Act of 2013 - **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 action to approve an 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 (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, upon request of a project proponent, to enter into an agreement with the project proponent and other cooperating agencies that sets time limits for each part of the permitting 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 request.

Requires the lead agency, with respect to strategic and critical minerals 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 that 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) Authorizes the holder of a mineral exploration or mine permit to 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) Requires the court to hear and determine any covered civil action as expeditiously as possible.

(Sec. 205) 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. 206) Declares inapplicable to such 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.

Title III: Miscellaneous Provisions - (Sec. 301) Prohibits the construction of this Act as affecting any aspect of Secretarial Order 3324, issued by the Secretary of the Interior on December 3, 2012, regarding potash, oil, and gas leasing and development within the Designated Potash Area in Eddy and Lea Counties, New Mexico.

Actions Timeline

- **Sep 19, 2013:** Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
- **Sep 18, 2013:** Rule H. Res. 347 passed House.
- **Sep 18, 2013:** Considered under the provisions of rule H. Res. 347. (consideration: CR H5606-5609, H5609-5618)
- **Sep 18, 2013:** Rule provides for consideration of H.R. 761 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.
- **Sep 18, 2013:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 347 and Rule XVIII.
- **Sep 18, 2013:** The Speaker designated the Honorable Jeff Fortenberry to act as Chairman of the Committee.
- **Sep 18, 2013:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 761.
- **Sep 18, 2013:** The Committee of the Whole rose informally to receive a message from the President.
- **Sep 18, 2013:** Subsequently, the Committee resumed its sitting.
- **Sep 18, 2013:** DEBATE - Pursuant to the provisions of H.Res. 347, the Committee of the Whole proceeded with 10 minutes of debate on the Lowenthal amendment.
- **Sep 18, 2013:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Lowenthal amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Lowenthal demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Sep 18, 2013:** DEBATE - Pursuant to the provisions of H.Res. 347, the Committee of the Whole proceeded with 10 minutes of debate on the Veasey amendment.
- **Sep 18, 2013:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Veasey amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Veasey demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Sep 18, 2013:** DEBATE - Pursuant to the provisions of H.Res. 347, the Committee of the Whole proceeded with 10 minutes of debate on the Connolly amendment.
- **Sep 18, 2013:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Connolly amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Connolly demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Sep 18, 2013:** DEBATE - Pursuant to the provisions of H.Res. 347, the Committee of the Whole proceeded with 10 minutes of debate on the Hastings (FI) amendment.
- **Sep 18, 2013:** 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.
- **Sep 18, 2013:** DEBATE - Pursuant to the provisions of H.Res. 347, the Committee of the Whole proceeded with 10 minutes of debate on the Pearce amendment.
- **Sep 18, 2013:** Mr. Lamborn moved that the committee rise.
- **Sep 18, 2013:** On motion that the committee rise Agreed to by voice vote.
- **Sep 18, 2013:** Committee of the Whole House on the state of the Union rises leaving H.R. 761 as unfinished business.
- **Sep 18, 2013:** Considered as unfinished business. (consideration: CR H5618-5624)
- **Sep 18, 2013:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Sep 18, 2013:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was on adoption of amendments, which had been debated earlier and on which further proceedings had been postponed.
- **Sep 18, 2013:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 761.
- **Sep 18, 2013:** The previous question was ordered pursuant to the rule. (consideration: CR H5621)
- **Sep 18, 2013:** 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 H5611-5612)
- **Sep 18, 2013:** Mr. Cicilline moved to recommit with instructions to Natural Resources. (consideration: CR H5621-5623;

text: CR H5621)

- **Sep 18, 2013:** DEBATE - The House proceeded with 10 minutes of debate on the Cicilline motion to recommit with instructions. The instructions contained in the motion seek to require the House to report the bill to be reported back to the House with an amendment to add a section to the bill containing prohibitions regarding China and Iran.
- **Sep 18, 2013:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H5622)
- **Sep 18, 2013:** On motion to recommit with instructions Failed by recorded vote: 197 - 229 (Roll no. 470). (consideration: CR H5622-5623)
- **Sep 18, 2013:** Passed/agreed to in House: On passage Passed by recorded vote: 246 - 178 (Roll no. 471).
- **Sep 18, 2013:** On passage Passed by recorded vote: 246 - 178 (Roll no. 471).
- **Sep 18, 2013:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 17, 2013:** Rules Committee Resolution H. Res. 347 Reported to House. Rule provides for consideration of H.R. 761 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.
- **Jul 9, 2013:** Rules Committee Resolution H. Res. 292 Reported to House. Rule provides for consideration of H.R. 761 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.
- **Jul 8, 2013:** Reported (Amended) by the Committee on Natural Resources. H. Rept. 113-138, Part I.
- **Jul 8, 2013:** Committee on Judiciary discharged.
- **Jul 8, 2013:** Placed on the Union Calendar, Calendar No. 100.
- **May 15, 2013:** Subcommittee on Energy and Mineral Resources Discharged.
- **May 15, 2013:** Committee Consideration and Mark-up Session Held.
- **May 15, 2013:** Ordered to be Reported (Amended) by the Yeas and Nays: 24 - 17.
- **Apr 8, 2013:** Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.
- **Mar 21, 2013:** Subcommittee Hearings Held.
- **Mar 1, 2013:** Referred to the Subcommittee on Energy and Mineral Resources.
- **Feb 15, 2013:** Introduced in House
- **Feb 15, 2013:** 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.