

## HR 1937

National Strategic and Critical Minerals Production Act of 2015

**Congress:** 114 (2015–2017, Ended)

**Chamber:** House

**Policy Area:** Public Lands and Natural Resources

**Introduced:** Apr 22, 2015

**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.  
(Oct 26, 2015)

**Official Text:** <https://www.congress.gov/bill/114th-congress/house-bill/1937>

### Sponsor

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

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

## Cosponsors (48 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Barr, Andy [R-KY-6]	R · KY		Apr 22, 2015
Rep. Benishek, Dan [R-MI-1]	R · MI		Apr 22, 2015
Rep. Chaffetz, Jason [R-UT-3]	R · UT		Apr 22, 2015
Rep. Cole, Tom [R-OK-4]	R · OK		Apr 22, 2015
Rep. Conaway, K. Michael [R-TX-11]	R · TX		Apr 22, 2015
Rep. Cook, Paul [R-CA-8]	R · CA		Apr 22, 2015
Rep. Cramer, Kevin [R-ND-At Large]	R · ND		Apr 22, 2015
Rep. Culberson, John Abney [R-TX-7]	R · TX		Apr 22, 2015
Rep. Diaz-Balart, Mario [R-FL-25]	R · FL		Apr 22, 2015
Rep. Duncan, Jeff [R-SC-3]	R · SC		Apr 22, 2015
Rep. Fleischmann, Charles J. "Chuck" [R-TN-3]	R · TN		Apr 22, 2015
Rep. Flores, Bill [R-TX-17]	R · TX		Apr 22, 2015
Rep. Gohmert, Louie [R-TX-1]	R · TX		Apr 22, 2015
Rep. Gosar, Paul A. [R-AZ-4]	R · AZ		Apr 22, 2015
Rep. Graves, Sam [R-MO-6]	R · MO		Apr 22, 2015
Rep. Graves, Tom [R-GA-14]	R · GA		Apr 22, 2015
Rep. Hardy, Cresent [R-NV-4]	R · NV		Apr 22, 2015
Rep. Heck, Joseph J. [R-NV-3]	R · NV		Apr 22, 2015
Rep. Kelly, Mike [R-PA-3]	R · PA		Apr 22, 2015
Rep. Labrador, Raul R. [R-ID-1]	R · ID		Apr 22, 2015
Rep. LaMalfa, Doug [R-CA-1]	R · CA		Apr 22, 2015
Rep. Latta, Robert E. [R-OH-5]	R · OH		Apr 22, 2015
Rep. Luetkemeyer, Blaine [R-MO-3]	R · MO		Apr 22, 2015
Rep. Lummis, Cynthia M. [R-WY-At Large]	R · WY		Apr 22, 2015
Rep. McClintonck, Tom [R-CA-4]	R · CA		Apr 22, 2015
Rep. McMorris Rodgers, Cathy [R-WA-5]	R · WA		Apr 22, 2015
Rep. Mooney, Alexander X. [R-WV-2]	R · WV		Apr 22, 2015
Rep. Newhouse, Dan [R-WA-4]	R · WA		Apr 22, 2015
Rep. Salmon, Matt [R-AZ-5]	R · AZ		Apr 22, 2015
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Apr 22, 2015
Rep. Simpson, Michael K. [R-ID-2]	R · ID		Apr 22, 2015
Rep. Stewart, Chris [R-UT-2]	R · UT		Apr 22, 2015
Rep. Stivers, Steve [R-OH-15]	R · OH		Apr 22, 2015
Rep. Thompson, Glenn [R-PA-5]	R · PA		Apr 22, 2015
Rep. Tipton, Scott R. [R-CO-3]	R · CO		Apr 22, 2015
Rep. Young, Don [R-AK-At Large]	R · AK		Apr 22, 2015
Rep. Zinke, Ryan K. [R-MT-At Large]	R · MT		Apr 22, 2015
Rep. Johnson, Bill [R-OH-6]	R · OH		Apr 23, 2015
Rep. Marchant, Kenny [R-TX-24]	R · TX		Apr 23, 2015
Rep. Rouzer, David [R-NC-7]	R · NC		Apr 23, 2015
Rep. Walden, Greg [R-OR-2]	R · OR		Apr 23, 2015

Cosponsor	Party / State	Role	Date Joined
Rep. Lamborn, Doug [R-CO-5]	R · CO		Apr 27, 2015
Rep. Olson, Pete [R-TX-22]	R · TX		Apr 30, 2015
Rep. Rogers, Harold [R-KY-5]	R · KY		Apr 30, 2015
Rep. Sessions, Pete [R-TX-32]	R · TX		Jun 23, 2015
Rep. Renacci, James B. [R-OH-16]	R · OH		Jun 24, 2015
Rep. Rothfus, Keith J. [R-PA-12]	R · PA		Jun 25, 2015
Rep. Hartzler, Vicky [R-MO-4]	R · MO		Jul 27, 2015

## Committee Activity

Committee	Chamber	Activity	Date
Energy and Natural Resources Committee	Senate	Referred To	Oct 26, 2015
Judiciary Committee	House	Referred to	May 15, 2015
Natural Resources Committee	House	Discharged from	Jul 9, 2015

## Subjects & Policy Tags

### Policy Area:

Public Lands and Natural Resources

## Related Bills

Bill	Relationship	Last Action
114 S 2012	Related bill	Sep 8, 2016: Conference held.
114 HRES 481	Procedurally related	Oct 21, 2015: Motion to reconsider laid on the table Agreed to without objection.

## **National Strategic and Critical Minerals Production Act of 2015**

### **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, and contractors.

Deems the requirements of National Environmental Policy Act of 1969 to have been satisfied if the lead agency determines that any state or federal agency acting pursuant to state or federal statutory or procedural authorities, has or will address specified factors.

Requires the lead agency, if it cannot make such a determination, and at a project proponent's request, together with cooperating and other agencies involved in the permitting process to enter into an agreement with the project proponent that sets time limits for each part of the permitting process.

Applies this Act to any 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 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 the priority of the lead agency, in evaluating and issuing any mineral exploration or mine permit, 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. Requires each notice to undergo any required reviews within the Department of the Interior or the Department of Agriculture and to be published in its final form in the Federal Register at least 30 days after its initial preparation, absent any extraordinary circumstance or except as otherwise required by any Act of Congress.

### **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 affecting a mineral exploration or mine permit unless such claim is filed no later than 60 days after 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 such 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 such civil action as expeditiously as possible.

(Sec. 205) Prohibits the court 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 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.

### TITLE III--MISCELLANEOUS PROVISIONS

(Sec. 301) Declares this Act inapplicable to any mineral described in Secretarial Order No. 3324, issued by the Department of the Interior on December 3, 2012, in any area to which the order applies.

## Actions Timeline

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- **Oct 26, 2015:** Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
- **Oct 22, 2015:** Considered under the provisions of rule H. Res. 481. (consideration: CR H7107-7119)
- **Oct 22, 2015:** Rule provides for consideration of H.R. 1937 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.
- **Oct 22, 2015:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 481 and Rule XVIII.
- **Oct 22, 2015:** The Speaker designated the Honorable Kenny Marchant to act as Chairman of the Committee.
- **Oct 22, 2015:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 1937.
- **Oct 22, 2015:** DEBATE - Pursuant to the provisions of H.Res. 481, the Committee of the Whole House proceeded with 10 minutes of debate on the Lowenthal amendment No. 1.
- **Oct 22, 2015:** 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 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.
- **Oct 22, 2015:** DEBATE - Pursuant to the provisions of H.Res. 481, the Committee of the Whole House proceeded with 10 minutes of debate on the Dingell amendment No. 2.
- **Oct 22, 2015:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Dingell amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes prevailed. Mrs. Dingell demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Oct 22, 2015:** DEBATE - Pursuant to the provisions of H.Res. 481, the Committee of the Whole House proceeded with 10 minutes of debate on the Cartwright amendment No. 3.
- **Oct 22, 2015:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Cartwright amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes prevailed. Mr. Cartwright demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Oct 22, 2015:** DEBATE - Pursuant to the provisions of H.Res. 481, the Committee of the Whole House proceeded with 10 minutes of debate on the Pearce amendment No. 4.
- **Oct 22, 2015:** DEBATE - Pursuant to the provisions of H.Res. 481, the Committee of the Whole House proceeded with 10 minutes of debate on the Hastings amendment No. 5.
- **Oct 22, 2015:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Hastings amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes prevailed. Mr. Hastings demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Oct 22, 2015:** Mr. Lamborn moved that the committee rise.
- **Oct 22, 2015:** On motion that the committee rise Agreed to by voice vote.
- **Oct 22, 2015:** Committee of the Whole House on the state of the Union rises leaving H.R. 1937 as unfinished business.
- **Oct 22, 2015:** Considered as unfinished business. (consideration: CR H7119-7124)
- **Oct 22, 2015:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Oct 22, 2015:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 1937.
- **Oct 22, 2015:** The previous question was ordered pursuant to the rule. (consideration: CR H7122)
- **Oct 22, 2015:** The House adopted the amendment as agreed to by the Committee of the Whole House on the state of the Union. (text of measure as amended in House: CR H7113-7114)
- **Oct 22, 2015:** Mr. Peters moved to recommit with instructions to the Committee on Natural Resources. (consideration: CR H7122-7124; text: CR H7122)
- **Oct 22, 2015:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the Peters 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 to prohibit or limit the agency responsible for issuing a mineral exploration or mine permit from assessing the extent to which the authorized activity contributes to climate change.

**Oct 22, 2015:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H7123)

- **Oct 22, 2015:** On motion to recommit with instructions Failed by recorded vote: 184 - 246 (Roll no. 564).
- **Oct 22, 2015:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 254 - 177 (Roll no. 565).
- **Oct 22, 2015:** On passage Passed by the Yeas and Nays: 254 - 177 (Roll no. 565).
- **Oct 22, 2015:** Motion to reconsider laid on the table Agreed to without objection.
- **Oct 21, 2015:** Rule H. Res. 481 passed House.
- **Oct 20, 2015:** Rules Committee Resolution H. Res. 481 Reported to House. Rule provides for consideration of H.R. 1937 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 8, 2015:** Reported by the Committee on Natural Resources. H. Rept. 114-253, Part I.
- **Sep 8, 2015:** Committee on the Judiciary discharged.
- **Sep 8, 2015:** Placed on the Union Calendar, Calendar No. 192.
- **Jul 9, 2015:** Committee Consideration and Mark-up Session Held.
- **Jul 9, 2015:** Ordered to be Reported by the Yeas and Nays: 23 - 14.
- **Jul 9, 2015:** Subcommittee on Energy and Mineral Resources Discharged.
- **Jul 8, 2015:** Committee Consideration and Mark-up Session Held.
- **Jun 25, 2015:** Subcommittee Hearings Held.
- **May 19, 2015:** Referred to the Subcommittee on Energy and Mineral Resources.
- **May 15, 2015:** Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.
- **Apr 22, 2015:** Introduced in House
- **Apr 22, 2015:** 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.