

# Summary: H.R.1937 — 114th Congress (2015-2016)

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Passed House amended (10/22/2015)

## 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