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**Committee on Natural Resources**  
**Washington, DC 20515**

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**Dissenting Views**  
**H.R. 4402: National Strategic and Critical Minerals Production Act of 2012**

We oppose H.R. 4402 because despite the bill's title, it has almost nothing to do with rare earths and other strategic and critical minerals. In fact, under the guise of promoting the development of minerals critical to U.S. national security, this legislation would dramatically reshape virtually all mining on public lands for nearly all minerals.

H.R. 4402 is so broadly drafted that it would reduce or eliminate proper review under the National Environmental Policy Act (NEPA) for almost all types of mines on public lands – including hardrock mines such as silver and uranium; it could limit proper review of mines for minerals that are not remotely critical such as sand or gravel and it would even potentially apply to coal mines. There is virtually no type of mine that would be excluded from the truncated environmental review envisioned by this bill, where the mining industry, rather than the Interior Department, would be able to determine the time available for important environmental reviews.

Moreover, according to Natural Resources Democratic staff analysis of data provided by the BLM for hardrock mines on public lands for which we have complete data, the average time it takes to approve a plan of operation for a mine has actually decreased under the Obama Administration. 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 Bush Administration. Despite industry claims, 82 percent of plans of operation are approved within three years under the Obama Administration and according to the BLM, “it takes on average four years to approve a mining plan of operations for a large mine (more than 1,000 acres) on public lands.”

We should be working together to formulate a strategy to develop our rare earth and other critical minerals, not giving additional handouts to an industry that can already extract billions of dollars in valuable minerals from public lands without paying a dime in royalties to taxpayers. Promoting the development of minerals that are critical to core national priorities and genuinely susceptible to supply disruption, like rare earth elements, should be an area where Democrats and Republicans can work together.

Rare earth elements are indispensable to a wide range of military, electronic, and industrial applications, as well as a variety of clean energy technologies, such as wind turbines, hybrid vehicles, solar panels and energy efficient light bulbs. There are currently few or no ready substitutes for these minerals in industry, and there are substantial risks to their overall supply since we rely almost completely on Chinese imports.

This Committee has already reported out legislation on a bipartisan basis to lay the groundwork for developing critical and strategic minerals. Yet the Majority has not brought that bill to the House Floor for a vote and instead is moving H.R. 4402, which would fundamentally change the review of nearly all mining activities on public lands.

This legislation would also undermine the requirement in current law that our public lands be managed for multiple uses by elevating mining above all other uses, potentially threatening hunting, fishing, recreation and other important activities. H.R. 4402 would also needlessly limit judicial review of mining activities on public lands.

The Majority rejected an amendment from National Parks, Forests and Public Lands Subcommittee Ranking Member Grijalva (D-AZ) that would have ensured that nothing in the bill affects the multiple use requirement in the Federal Land Policy and Management Act of 1976 that protects hunting, fishing, grazing and other important activities on our public lands in addition as energy production. Representative Tonko (D-NY) offered an amendment that would have narrowed the scope of the bill solely to rare earths and other critical and strategic minerals which the Majority voted down, demonstrating that this legislation is intended to be much more far reaching than the bill's title indicates. Finally, the Majority rejected an amendment offered by Energy and Mineral Resources Subcommittee Ranking Member Holt (D-NJ) that would have created a royalty for the extraction of hardrock minerals on public lands to ensure that the American people receive a fair return on these valuable minerals that mining companies are currently able to extract for free.

Democrats will continue working to promote development of rare earth and other critical and strategic minerals, but we oppose eviscerating the proper review of virtually all mining on public lands under the guise of promoting the development of these minerals, as H.R. 4402 would do.

Edward J. Markey

Rush Holt

~~Paul D. Tonko~~

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