



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 10, 2012
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 4402 – National Strategic and Critical Minerals Production Act

(Rep. Amodei, R-NV, and 27 cosponsors)

The Administration strongly opposes H.R. 4402, which, though vaguely worded, would undermine and remove the environmental safeguards, for, at a minimum, almost all types of hardrock mines on Federal lands. Notwithstanding the title and the stated purpose of the legislation, H.R. 4402, as reported by the House Natural Resources Committee, is drafted in such a manner as to cover virtually all hardrock mining on Federal lands. Protection of the public through sound Federal decision-making would be circumvented by the bill's provisions, which include, among other things, the elimination of appropriate reviews under the National Environmental Policy Act and the circumvention of public involvement in and the formulation of alternatives to any mining proposal. The Administration strongly supports the development of rare earth elements and other critical minerals, but rejects the notion that their development is incongruent with environmental protection and public involvement in agency decision-making.

The legislation also undermines existing law calling for the multiple uses of public lands by placing mining interests above all other uses. This change has the potential to threaten hunting, fishing, recreation and other activities which create jobs and sustain local economies across the country. Furthermore, the Administration opposes the legislation's severe restrictions on judicial review. While the legislation purports to limit litigation, its extremely short statute of limitations and vague constraints on the scope of prospective relief that a court may issue are likely to have the opposite effect.

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