



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

June 17, 2013

H.R. 761 **National Strategic and Critical Minerals Production Act of 2013**

As ordered reported by the House Committee on Natural Resources on May 16, 2012

CBO estimates that implementing H.R. 761 would have no significant impact on the federal budget. Enacting the bill could reduce mandatory payments for attorneys' fees over the 2014-2023 period; therefore, pay-as-you-go procedures apply. However, CBO estimates that any such effects would be minimal. Enacting the bill would not affect revenues.

The bill would require the Bureau of Land Management (BLM) and the Forest Service to take certain actions aimed at streamlining the process for obtaining permits to extract minerals from federal lands. Based on information from the affected agencies, CBO estimates that the streamlining provisions would have no significant budgetary effect because those agencies are performing most of those activities under current law. The bill also would direct the agencies to expedite the publishing of notices in the Federal Register related to mineral exploration and mining projects. Based on information provided by BLM, CBO estimates that implementing that provision would cost less than \$300,000 a year, assuming availability of appropriated funds. Those funds would be used to hire additional employees to allow the affected agencies to meet the timelines established in the bill.

Finally, H.R. 761 would exempt lawsuits that affect mineral exploration or mining permits on federal lands from the Equal Access to Justice Act. That act requires the U.S. Treasury to pay the attorneys' fees for certain plaintiffs who prevail in court proceedings against the federal government. Over the 2003-2012 period, total payments made on behalf of BLM and the Forest Service from the Judgment Fund of the U.S. Treasury to cover attorneys' fees under that act averaged about \$1 million a year. Based on information from the Government Accountability Office, the Treasury Department, and the affected land management agencies, CBO estimates that only a small portion of that amount was paid to plaintiffs who prevailed in cases that affected mineral exploration or mining permits. We estimate that enacting H.R. 761 would reduce direct spending by less than \$50,000 a year over the 2014-2023 period.

H.R. 761 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.