

## SAVE OAK FLAT ACT

DECEMBER 7, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,  
submitted the following

### R E P O R T

together with

### DISSENTING VIEWS

[To accompany H.R. 1884]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1884) to repeal section 3003 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 1884 is to repeal section 3003 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015.

#### BACKGROUND AND NEED FOR LEGISLATION

In December 2014, Congress passed the Southeastern Arizona Land Exchange in section 3003 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for fiscal year 2015,<sup>1</sup> which authorized the exchange of a 2,422-acre parcel of land in Arizona’s Tonto National Forest, known as the “Oak Flat Federal Parcel,” to Resolution Copper Mining, LLC (Resolution Copper). The section 3003 language, a last-minute addition to must-

<sup>1</sup> Pub. L. No. 113-291.

pass legislation included over the objections of regional tribal perspectives, stipulated that the transfer would begin following the completion of a final Environmental Impact Statement (FEIS).

Notably, the parcel land includes the Chí'chil Bitdagoteel Historic District, also known as "Oak Flat." Located in the Tonto National Forest, this historic area is of cultural significance and serves as a religious site for many tribal nations in the region, who continually visit to conduct ceremonies and gather traditional medicines and food.

Resolution Copper intends to extract 1.4 billion tons of copper ore using a mining technique known as block caving. While all mining operations will be conducted underground, removing the ore via the block caving method will cause the ground surface to collapse, creating a massive crater upon the Oak Flat Federal Parcel. The crater is projected to start to appear in Year 6 of active mining and will ultimately be 1.8 miles across, resulting in the permanent desecration of the Chí'chil Bitdagoteel Historic District. In addition to the block caving technique, Resolution Copper proposes to use external water for the life of the line. The water will be supplied from the Central Arizona Project canal or groundwater pumped from the East Salt River valley, creating additional impacts to wildlife, land, and recreation.

Passing new legislation is the only way to prevent this land transfer from taking place. H.R. 1884 will repeal section 3003 of the FY 2015 NDAA and prohibit the transfer of Chí'chil Bitdagoteel "Oak Flat" Historic District to foreign mining corporations. In addition, the bill will, subject to valid existing rights, withdraw the Chí'chil Bitdagoteel "Oak Flat" Historic District from all forms of entry, appropriation, or disposal under public land laws; location, entry, and patent under the mining laws; and dispositions under laws pertaining to mineral and geothermal leasing or mineral materials.

#### COMMITTEE ACTION

H.R. 1884 was introduced on March 12, 2021, by Chair Raúl M. Grijalva (D-AZ). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indigenous Peoples of the United States and the Subcommittee on National Parks, Forests, and Public Lands. On April 13, 2021, the Subcommittee on Indigenous Peoples of the United States held a hearing on the bill. On April 28, 2021, the Natural Resources Committee met to consider the bill. The Subcommittees were discharged by unanimous consent. Rep. Lauren Boebert (R-CO) offered an amendment designated Boebert #1. The amendment was not agreed to by a roll call vote of 19 yeas and 22 nays, as follows:

Date: April 28, 2021

**COMMITTEE ON NATURAL RESOURCES  
117<sup>TH</sup> CONGRESS — ROLL CALL**

**Bill / Motion:** H.R. 1884**Amendment:** Rep. Boebert #1 amendment**Disposition:** Not agreed to by a roll call vote of 19 yeas and 22 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM			
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. Matsui, CA		X	
15	Ms. McCollum, MN		X	
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA		X	
18	Mr. Neguse, CO		X	
19	Ms. Porter, CA		X	
20	Mr. Sablan, MP		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA			
26	Ms. Velázquez, NY			
	<b>REP. MEMBERS (22)</b>	<b>Y</b>	<b>N</b>	<b>P</b>
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR			
7	Mr. Gosar, AZ	X		
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	19	22	
	<b>TOTALS</b>	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

Rep. Pete Stauber (R-MN) offered an amendment designated Stauber #2. The amendment was not agreed to by a roll call vote of 20 yeas and 23 nays, as follows:

Date: April 28, 2021

**COMMITTEE ON NATURAL RESOURCES  
117<sup>TH</sup> CONGRESS — ROLL CALL**

Bill / Motion: H.R. 1884

Amendment: Rep. Stauber #2 amendment

Disposition: Not agreed to by a roll call vote of 20 yeas and 23 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. García, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. Matsui, CA		X	
15	Ms. McCollum, MN		X	
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA		X	
18	Mr. Neguse, CO		X	
19	Ms. Porter, CA		X	
20	Mr. Sablan, MP		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA			
26	Ms. Velázquez, NY			
	<b>REP. MEMBERS (22)</b>	<b>Y</b>	<b>N</b>	<b>P</b>
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ	X		
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Oberholte, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	20	23	
	<b>TOTALS</b>	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

Rep. Stauber offered an amendment designated Stauber #3. The amendment was not agreed to by a roll call vote of 20 yeas and 23 nays, as follows:

Date: April 28, 2021

**COMMITTEE ON NATURAL RESOURCES  
117<sup>TH</sup> CONGRESS — ROLL CALL**

Bill / Motion: H.R. 1884

Amendment: Rep. Stauber #3 amendment

Disposition: Not agreed to by a roll call vote 20 yeas and 23 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. Matsui, CA		X	
15	Ms. McCollum, MN		X	
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA		X	
18	Mr. Neguse, CO		X	
19	Ms. Porter, CA		X	
20	Mr. Sablan, MP		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA			
26	Ms. Velázquez, NY			
	<b>REP. MEMBERS (22)</b>	<b>Y</b>	<b>N</b>	<b>P</b>
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ	X		
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Oberholte, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	20	23	
	<b>TOTALS</b>	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

Rep. Stauber offered an amendment designated Stauber #4. The amendment was not agreed to by a roll call vote of 20 yeas and 23 nays, as follows:



Date: April 28, 2021

**COMMITTEE ON NATURAL RESOURCES  
117<sup>TH</sup> CONGRESS — ROLL CALL**

Bill / Motion: H.R. 1884

Amendment: Rep. Stauber #4 amendment

Disposition: Not agreed to by a roll call vote 20 yeas and 23 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. Matsui, CA		X	
15	Ms. McCollum, MN		X	
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA		X	
18	Mr. Neguse, CO		X	
19	Ms. Porter, CA		X	
20	Mr. Sablan, MP		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA			
26	Ms. Velázquez, NY			
	<b>REP. MEMBERS (22)</b>	<b>Y</b>	<b>N</b>	<b>P</b>
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ	X		
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obenoltz, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	20	23	
	<b>TOTALS</b>	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

Rep. Stauber offered an amendment designated Stauber #5. The amendment was not agreed to by a roll call vote of 20 yeas and 23 nays, as follows:

Date: April 28, 2021

**COMMITTEE ON NATURAL RESOURCES**  
**117<sup>TH</sup> CONGRESS — ROLL CALL**

Bill / Motion: H.R. 1884

Amendment: Rep. Stauber #5 amendment

Disposition: Not agreed to by a roll call vote of 20 yeas and 23 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. Matsui, CA		X	
15	Ms. McCollum, MN		X	
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA		X	
18	Mr. Neguse, CO		X	
19	Ms. Porter, CA		X	
20	Mr. Sablan, MP		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA			
26	Ms. Velázquez, NY			
	<b>REP. MEMBERS (22)</b>	<b>Y</b>	<b>N</b>	<b>P</b>
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ	X		
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Oberto, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	20	23	
	<b>TOTALS</b>	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

Rep. Paul Gosar (R-AZ) offered an amendment designated Gosar #1. The amendment was withdrawn. Rep. Cliff Bentz (R-OR) offered an amendment designated Bentz #1. The amendment was not agreed to by a roll call vote of 19 yeas and 24 nays, as follows:

Date: April 28, 2021

**COMMITTEE ON NATURAL RESOURCES  
117<sup>TH</sup> CONGRESS — ROLL CALL**

Bill / Motion: H.R. 1884

Amendment: Rep. Bentz #1 amendment

Disposition: Not agreed to by a roll call vote of 19 yeas and 24 nays

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. Matsui, CA		X	
15	Ms. McCollum, MN		X	
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA		X	
18	Mr. Neguse, CO		X	
19	Ms. Porter, CA		X	
20	Mr. Sablan, MP		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	<b>REP. MEMBERS (22)</b>	<b>Y</b>	<b>N</b>	<b>P</b>
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ	X		
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA			
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obermoite, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	19	24	
	<b>TOTALS</b>	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

Rep. Stauber offered an amendment designated Stauber #1. The amendment was not agreed to by a roll call vote of 20 yeas and 23 nays, as follows:

Date: April 28, 2021

**COMMITTEE ON NATURAL RESOURCES  
117<sup>TH</sup> CONGRESS — ROLL CALL**

Bill / Motion: H.R. 1884

Amendment: Rep. Stauber #1 amendment

Disposition: Not agreed to by a roll call vote of 20 yeas and 23 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. Matsui, CA		X	
15	Ms. McCollum, MN		X	
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA		X	
18	Mr. Neguse, CO		X	
19	Ms. Porter, CA		X	
20	Mr. Sablan, MP		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA			
26	Ms. Velázquez, NY			
	<b>REP. MEMBERS (22)</b>	<b>Y</b>	<b>N</b>	<b>P</b>
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ	X		
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Obernolte, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	20	23	
	<b>TOTALS</b>	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

Rep. Stauber offered an amendment designated Stauber #6. The amendment was not agreed to by a roll call vote of 21 yeas and 23 nays, as follows:



Date: April 28, 2021

**COMMITTEE ON NATURAL RESOURCES  
117<sup>TH</sup> CONGRESS — ROLL CALL**

Bill / Motion: H.R. 1884

Amendment: Rep. Stauber #6 amendment

Disposition: Not agreed to by a roll call vote of 21 yeas and 23 nays

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA	X		
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. Matsui, CA		X	
15	Ms. McCollum, MN		X	
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA		X	
18	Mr. Neguse, CO		X	
19	Ms. Porter, CA		X	
20	Mr. Sablan, MP		X	
21	Mr. San Nicolas, GU		X	
22	Mr. Soto, FL		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	<b>REP. MEMBERS (22)</b>	<b>Y</b>	<b>N</b>	<b>P</b>
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Gosar, AZ	X		
8	Mr. Graves, LA	X		
9	Ms. Herrell, NM	X		
10	Mr. Hice, GA	X		
11	Mr. Lamborn, CO	X		
12	Mr. McClintock, CA	X		
13	Mr. Moore, UT	X		
14	Mr. Oberholte, CA	X		
15	Mrs. Radewagen, AS	X		
16	Mr. Rosendale, MT	X		
17	Mr. Stauber, MN	X		
18	Mr. Tiffany, WI	X		
19	Mr. Webster, FL	X		
20	Mr. Westerman, AR (RM)	X		
21	Mr. Wittman, VA	X		
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	21	23	
	<b>TOTALS</b>	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

The bill was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 23 yeas and 20 nays, as follows:

Date: April 28, 2021

**COMMITTEE ON NATURAL RESOURCES**  
**117<sup>TH</sup> CONGRESS — ROLL CALL**

**Bill / Motion:** H.R. 1884, Final Passage**Amendment:****Disposition:** Final Passage: H.R. 1884, was ordered favorably reported to the House of Representatives by a roll call vote of 23 yeas and 20 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA	X		
2	Mr. Case, HI	X		
3	Mr. Cohen, TN	X		
4	Mr. Costa, CA	X		
5	Ms. DeGette, CO	X		
6	Mrs. Dingell, MI	X		
7	Mr. Gallego, AZ	X		
8	Mr. Garcia, IL	X		
9	Mr. Grijalva, AZ (Chair)	X		
10	Mr. Huffman, CA	X		
11	Ms. Leger Fernández, NM	X		
12	Mr. Levin, CA	X		
13	Mr. Lowenthal, CA	X		
14	Ms. Matsui, CA	X		
15	Ms. McCollum, MN	X		
16	Mr. McEachin, VA			
17	Mrs. Napolitano, CA	X		
18	Mr. Neguse, CO	X		
19	Ms. Porter, CA	X		
20	Mr. Sablan, MP			
21	Mr. San Nicolas, GU	X		
22	Mr. Soto, FL	X		
23	Ms. Tlaib, MI	X		
24	Mr. Tonko, NY	X		
25	Ms. Trahan, MA	X		
26	Ms. Velázquez, NY			
	<b>REP. MEMBERS (22)</b>	<b>Y</b>	<b>N</b>	<b>P</b>
1	Mr. Bentz, OR		X	
2	Mrs. Boebert, CO		X	
3	Mr. Carl, AL		X	
4	Mr. Fulcher, ID		X	
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR		X	
7	Mr. Gosar, AZ		X	
8	Mr. Graves, LA		X	
9	Ms. Herrell, NM		X	
10	Mr. Hice, GA		X	
11	Mr. Lamborn, CO		X	
12	Mr. McClintock, CA		X	
13	Mr. Moore, UT		X	
14	Mr. Oberholte, CA		X	
15	Mrs. Radewagen, AS		X	
16	Mr. Rosendale, MT		X	
17	Mr. Stauber, MN		X	
18	Mr. Tiffany, WI		X	
19	Mr. Webster, FL		X	
20	Mr. Westerman, AR (RM)		X	
21	Mr. Wittman, VA		X	
22	Mr. Young, AK			
	Total: 48 / Quorum: 16 / Report: 25	23	20	
	<b>TOTALS</b>	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

In addition, the bulk of H.R. 1884 was included in the Committee's committee print of legislative proposals to comply with the reconciliation directive included in section 2002 of the Concurrent Resolution on the Budget for Fiscal Year 2022, S. Con. Res.14. The Committee conducted a markup of the committee print over the course of two days, September 2 and September 9, 2021,<sup>2</sup> before approving the committee print with the Oak Flat withdrawal provisions included and transmitting the print to the House Committee on the Budget for compilation and reporting to the full House.<sup>3</sup>

#### HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee for Indigenous Peoples of the United States held on April 13, 2021.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

#### COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, as well as clause 3(d) of rule XIII of the Rules of the House of Representatives, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 13, 2021.*

Hon. RAÚL M. GRIJALVA,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1884, the Save Oak Flat Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

PHILLIP L. SWAGEL,  
*Director.*

Enclosure.

<sup>2</sup>*Markup of Committee Print Providing for Reconciliation Before the H. Comm. on Nat. Res.*, 117th Cong. (Sept. 2, 2021) (not printed), <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=114019>; *Markup of Committee Print Providing for Reconciliation Before the H. Comm. on Nat. Res.*, 117th Cong. (Sept. 9, 2021) (not printed), <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=114022>.

<sup>3</sup>H. COMM. ON THE BUDGET, BUILD BACK BETTER ACT, H.R. REP. NO. 117-130, book 2, at 380 (2021), <https://www.congress.gov/117/crpt/hrpt130/CRPT-117hrpt130-pt2.pdf>.

At a Glance			
H.R. 1884, Save Oak Flat Act			
As ordered reported by the House Committee on Natural Resources on April 28, 2021			
By Fiscal Year, Millions of Dollars	2021	2021-2026	2021-2031
Direct Spending (Outlays)	0	350	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	350	0
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	< \$5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

The bill would:

- Repeal a law authorizing land exchanges between the federal government, Resolution Copper, and the Town of Superior in Arizona

Estimated budgetary effects would mainly stem from:

- Forgone government income from the conveyances and forgone spending of that income

Areas of significant uncertainty include:

- Estimating land values and the amount of income that the federal government will receive.

Bill summary: H.R. 1884 would repeal the law authorizing conveyances to Resolution Copper, a mining company, and to the Town of Superior in Arizona and would withdraw a federal parcel of 2,422-acres, subject to valid existing rights, from mineral and geothermal leasing and entry under the mining laws.

Estimated Federal cost: The estimated budgetary effect of H.R. 1884 is shown in Table 1. The costs of the legislation fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 1884

	By fiscal year, millions of dollars—												
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2021–2026	2021–2031
Increases or Decreases (–) in Direct Spending													
Estimated Budget Authority .....	0	0	0	0	0	0	0	0	0	0	0	0	0
Estimated Outlays ..	0	500	–25	–25	–50	–50	–100	–100	–100	–25	–25	350	0

Basis of estimate: CBO estimates that, absent this legislation, the conveyances will occur in 2022. For this estimate, CBO assumes that the legislation will be enacted late in 2021.

Direct spending: Current law directs the Forest Service to convey 2,422 acres of federal land in Pinal County, Arizona if Resolution Copper offers to convey roughly 5,400 acres of privately-owned land to the federal government. If the value of the federal land to be ex-

changed exceeds that of the private land, Resolution Copper will make an equalization payment, which is classified in the budget as an offsetting receipt, or reduction in direct spending, to the Forest Service. Current law also directs the Forest Service to convey roughly 550 acres of federal land to the Town of Superior upon the town's request. The town is required to pay the Forest Service the market value of those parcels; any such payment also is classified in the budget as an offsetting receipt.

Appraisals for the affected parcels are ongoing, and CBO is not aware of any other comprehensive source of information on the land values. However, CBO expects that the value of the federal land, which is mineral in character, exceeds that of the private land. We expect that the appraisal will take into account Resolution Copper's active mining claims on 1,662 acres of the 2,422-acre federal parcel and will reflect the mineral value of the remaining 760 acres, net of extraction costs. Using preliminary information from the Forest Service, Resolution Copper, and environmental organizations, CBO estimates that the 5,400 acres of private land will be valued between \$5 million and \$25 million and that the federal land to be conveyed to Resolution Copper will be valued, on net, at hundreds of millions of dollars. In addition, based on land values in Pinal County, we estimate that the Forest Service land to be conveyed to the Town of Superior will be valued at several million dollars.

On net, the agency will receive about \$500 million in equalization and fair market value payments in 2022, CBO estimates. The Forest Service is authorized to spend those amounts without further appropriation on land acquisition. Based on historical spending patterns for that activity, CBO estimates that any offsetting receipts will be fully expended by 2031.

H.R. 1884 would repeal the law authorizing those conveyances. As a result, the Forest Service would forgo payments from Resolution Copper and the Town of Superior, but associated spending also would decline. CBO estimates that enacting the bill would have no net effect on direct spending over the 2021–2031 period.

Spending subject to appropriation: Based on the costs of similar tasks, CBO estimates that any costs incurred by the Forest Service to implement the withdrawal under H.R. 1884 would be insignificant; any spending would be subject to the availability of appropriated funds.

Uncertainty: The land values and resulting payments are highly uncertain and could differ from CBO's estimate. If the payments are lower than CBO estimates, the net effect of the bill on direct spending over the 2021–2031 period would be the same because the lost receipts would be offset by the foregone spending. However, if the payments are substantially higher than CBO estimates, we expect that the Forest Service would continue spending those amounts after 2031. Accordingly, forgoing the payments and spending under H.R. 1884 would increase net direct spending over the same period because some of the savings from reduced spending would occur after 2031.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net

changes in outlays that are subject to those pay-as-you-go procedures are shown in Table 1.

Increase in long-term deficits: Upon commencement of mineral production, current law requires Resolution Copper to pay royalties, which are classified in the budget as offsetting receipts, to the federal government if the actual quantity of minerals in the 760-acre federal parcel exceeds the appraised amount. CBO cannot predict whether Resolution Copper will pay royalties to the federal government or the amount of those royalties; however, under H.R. 1884, the federal government would forgo any such receipts. We estimate that enacting H.R. 1884 would not increase on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2032.

Mandates: None.

Estimate prepared by: Federal Costs: Janani Shankaran; Mandates: Lilia Ledezma.

Estimate reviewed by: Susan Willie, Chief, Natural and Physical Resources Cost Estimates Unit; Kathleen FitzGerald, Chief, Public and Private Mandates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis; Theresa Gullo, Director of Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to repeal section 3003 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### UNFUNDED MANDATES REFORM ACT STATEMENT

According to CBO, this bill contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

#### EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill’s purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets and existing law in which no change is proposed is shown in roman):

**CARL LEVIN AND HOWARD P. “BUCK” MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015**

\* \* \* \* \*

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

\* \* \* \* \*

**TITLE XXX—NATURAL RESOURCES RELATED GENERAL PROVISIONS**

\* \* \* \* \*

**Subtitle A—Land Conveyances and Related Matters**

\* \* \* \* \*

**[SEC. 3003. SOUTHEAST ARIZONA LAND EXCHANGE AND CONSERVATION.]**

[(a) PURPOSE.—The purpose of this section is to authorize, direct, facilitate, and expedite the exchange of land between Resolution Copper and the United States.

[(b) DEFINITIONS.—In this section:

[(1) APACHE LEAP.—The term “Apache Leap” means the approximately 807 acres of land depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011-Apache Leap” and dated March 2011.

[(2) FEDERAL LAND.—The term “Federal land” means the approximately 2,422 acres of land located in Pinal County, Arizona, depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011-Federal Parcel-Oak Flat” and dated March 2011.

[(3) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

[(4) NON-FEDERAL LAND.—The term “non-Federal land” means the parcels of land owned by Resolution Copper that are described in subsection (d)(1) and, if necessary to equalize the land exchange under subsection (c), subsection (c)(5)(B)(i)(I).

[(5) OAK FLAT CAMPGROUND.—The term “Oak Flat Campground” means the approximately 50 acres of land comprising approximately 16 developed campsites depicted on the map en-



titled “Southeast Arizona Land Exchange and Conservation Act of 2011-Oak Flat Campground” and dated March 2011.

[(6) OAK FLAT WITHDRAWAL AREA.—The term “Oak Flat Withdrawal Area” means the approximately 760 acres of land depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011-Oak Flat Withdrawal Area” and dated March 2011.

[(7) RESOLUTION COPPER.—The term “Resolution Copper” means Resolution Copper Mining, LLC, a Delaware limited liability company, including any successor, assign, affiliate, member, or joint venturer of Resolution Copper Mining, LLC.

[(8) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

[(9) STATE.—The term “State” means the State of Arizona.

[(10) TOWN.—The term “Town” means the incorporated town of Superior, Arizona.

[(11) RESOLUTION MINE PLAN OF OPERATIONS.—The term “Resolution mine plan of operations” means the mine plan of operations submitted to the Secretary by Resolution Copper in November, 2013, including any amendments or supplements.

[(c) LAND EXCHANGE.—

[(1) IN GENERAL.—Subject to the provisions of this section, if Resolution Copper offers to convey to the United States all right, title, and interest of Resolution Copper in and to the non-Federal land, the Secretary is authorized and directed to convey to Resolution Copper, all right, title, and interest of the United States in and to the Federal land.

[(2) CONDITIONS ON ACCEPTANCE.—Title to any non-Federal land conveyed by Resolution Copper to the United States under this section shall be in a form that—

[(A) is acceptable to the Secretary, for land to be administered by the Forest Service and the Secretary of the Interior, for land to be administered by the Bureau of Land Management; and

[(B) conforms to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

[(3) CONSULTATION WITH INDIAN TRIBES.—

[(A) IN GENERAL.—The Secretary shall engage in government-to-government consultation with affected Indian tribes concerning issues of concern to the affected Indian tribes related to the land exchange.

[(B) IMPLEMENTATION.—Following the consultations under paragraph (A), the Secretary shall consult with Resolution Copper and seek to find mutually acceptable measures to—

[(i) address the concerns of the affected Indian tribes; and

[(ii) minimize the adverse effects on the affected Indian tribes resulting from mining and related activities on the Federal land conveyed to Resolution Copper under this section.

[(4) APPRAISALS.—

[(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and Resolution

Copper shall select an appraiser to conduct appraisals of the Federal land and non-Federal land in compliance with the requirements of section 254.9 of title 36, Code of Federal Regulations.

**[(B) REQUIREMENTS.—**

**[(i) IN GENERAL.—**Except as provided in clause (ii), an appraisal prepared under this paragraph shall be conducted in accordance with nationally recognized appraisal standards, including—

**[(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and**

**[(II) the Uniform Standards of Professional Appraisal Practice.**

**[(ii) FINAL APPRAISED VALUE.—**After the final appraised values of the Federal land and non-Federal land are determined and approved by the Secretary, the Secretary shall not be required to reappraise or update the final appraised value—

**[(I) for a period of 3 years beginning on the date of the approval by the Secretary of the final appraised value; or**

**[(II) at all, in accordance with section 254.14 of title 36, Code of Federal Regulations (or a successor regulation), after an exchange agreement is entered into by Resolution Copper and the Secretary.**

**[(iii) IMPROVEMENTS.—**Any improvements made by Resolution Copper prior to entering into an exchange agreement shall not be included in the appraised value of the Federal land.

**[(iv) PUBLIC REVIEW.—**Before consummating the land exchange under this section, the Secretary shall make the appraisals of the land to be exchanged (or a summary thereof) available for public review.

**[(C) APPRAISAL INFORMATION.—**The appraisal prepared under this paragraph shall include a detailed income capitalization approach analysis of the market value of the Federal land which may be utilized, as appropriate, to determine the value of the Federal land, and shall be the basis for calculation of any payment under subsection (e).

**[(5) EQUAL VALUE LAND EXCHANGE.—**

**[(A) IN GENERAL.—**The value of the Federal land and non-Federal land to be exchanged under this section shall be equal or shall be equalized in accordance with this paragraph.

**[(B) SURPLUS OF FEDERAL LAND VALUE.—**

**[(i) IN GENERAL.—**If the final appraised value of the Federal land exceeds the value of the non-Federal land, Resolution Copper shall—

**[(I) convey additional non-Federal land in the State to the Secretary or the Secretary of the Interior, consistent with the requirements of this section and subject to the approval of the applicable Secretary;**

[(II) make a cash payment to the United States;

or

[(III) use a combination of the methods described in subclauses (I) and (II), as agreed to by Resolution Copper, the Secretary, and the Secretary of the Interior.

[(ii) AMOUNT OF PAYMENT.—The Secretary may accept a payment in excess of 25 percent of the total value of the land or interests conveyed, notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

[(iii) DISPOSITION AND USE OF PROCEEDS.—Any amounts received by the United States under this subparagraph shall be deposited in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”; 16 U.S.C. 484a) and shall be made available to the Secretary for the acquisition of land or interests in land in Region 3 of the Forest Service.

[(C) SURPLUS OF NON-FEDERAL LAND.—If the final appraised value of the non-Federal land exceeds the value of the Federal land—

[(i) the United States shall not make a payment to Resolution Copper to equalize the value; and

[(ii) except as provided in subsection (h), the surplus value of the non-Federal land shall be considered to be a donation by Resolution Copper to the United States.

[(6) OAK FLAT WITHDRAWAL AREA.—

[(A) PERMITS.—Subject to the provisions of this paragraph and notwithstanding any withdrawal of the Oak Flat Withdrawal Area from the mining, mineral leasing, or public land laws, the Secretary, upon enactment of this Act, shall issue to Resolution Copper—

[(i) if so requested by Resolution Copper, within 30 days of such request, a special use permit to carry out mineral exploration activities under the Oak Flat Withdrawal Area from existing drill pads located outside the Area, if the activities would not disturb the surface of the Area; and

[(ii) if so requested by Resolution Copper, within 90 days of such request, a special use permit to carry out mineral exploration activities within the Oak Flat Withdrawal Area (but not within the Oak Flat Campground), if the activities are conducted from a single exploratory drill pad which is located to reasonably minimize visual and noise impacts on the Campground.

[(B) CONDITIONS.—Any activities undertaken in accordance with this paragraph shall be subject to such reasonable terms and conditions as the Secretary may require.

[(C) TERMINATION.—The authorization for Resolution Copper to undertake mineral exploration activities under this paragraph shall remain in effect until the Oak Flat Withdrawal Area land is conveyed to Resolution Copper in accordance with this section.

[(7) COSTS.—As a condition of the land exchange under this section, Resolution Copper shall agree to pay, without compensation, all costs that are—

[(A) associated with the land exchange and any environmental review document under paragraph (9); and

[(B) agreed to by the Secretary.

[(8) USE OF FEDERAL LAND.—The Federal land to be conveyed to Resolution Copper under this section shall be available to Resolution Copper for mining and related activities subject to and in accordance with applicable Federal, State, and local laws pertaining to mining and related activities on land in private ownership.

[(9) ENVIRONMENTAL COMPLIANCE.—

[(A) IN GENERAL.—Except as otherwise provided in this section, the Secretary shall carry out the land exchange in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

[(B) ENVIRONMENTAL ANALYSIS.—Prior to conveying Federal land under this section, the Secretary shall prepare a single environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), which shall be used as the basis for all decisions under Federal law related to the proposed mine and the Resolution mine plan of operations and any related major Federal actions significantly affecting the quality of the human environment, including the granting of any permits, rights-of-way, or approvals for the construction of associated power, water, transportation, processing, tailings, waste disposal, or other ancillary facilities.

[(C) IMPACTS ON CULTURAL AND ARCHEOLOGICAL RESOURCES.—The environmental impact statement prepared under subparagraph (B) shall—

[(i) assess the effects of the mining and related activities on the Federal land conveyed to Resolution Copper under this section on the cultural and archeological resources that may be located on the Federal land; and

[(ii) identify measures that may be taken, to the extent practicable, to minimize potential adverse impacts on those resources, if any.

[(D) EFFECT.—Nothing in this paragraph precludes the Secretary from using separate environmental review documents prepared in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable laws for exploration or other activities not involving—

[(i) the land exchange; or

[(ii) the extraction of minerals in commercial quantities by Resolution Copper on or under the Federal land.

[(10) TITLE TRANSFER.—Not later than 60 days after the date of publication of the final environmental impact statement, the Secretary shall convey all right, title, and interest of the United States in and to the Federal land to Resolution Copper.

[(d) CONVEYANCE AND MANAGEMENT OF NON-FEDERAL LAND.—

[(1) CONVEYANCE.—On receipt of title to the Federal land, Resolution Copper shall simultaneously convey—

[(A) to the Secretary, all right, title, and interest that the Secretary determines to be acceptable in and to—

[(i) the approximately 147 acres of land located in Gila County, Arizona, depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011-Non-Federal Parcel-Turkey Creek” and dated March 2011;

[(ii) the approximately 148 acres of land located in Yavapai County, Arizona, depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011-Non-Federal Parcel-Tangle Creek” and dated March 2011;

[(iii) the approximately 149 acres of land located in Maricopa County, Arizona, depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011-Non-Federal Parcel-Cave Creek” and dated March 2011;

[(iv) the approximately 640 acres of land located in Coconino County, Arizona, depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011-Non-Federal Parcel-East Clear Creek” and dated March 2011; and

[(v) the approximately 110 acres of land located in Pinal County, Arizona, depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011-Non-Federal Parcel-Apache Leap South End” and dated March 2011; and

[(B) to the Secretary of the Interior, all right, title, and interest that the Secretary of the Interior determines to be acceptable in and to—

[(i) the approximately 3,050 acres of land located in Pinal County, Arizona, identified as “Lands to DOI” as generally depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011-Non-Federal Parcel-Lower San Pedro River” and dated July 6, 2011;

[(ii) the approximately 160 acres of land located in Gila and Pinal Counties, Arizona, identified as “Lands to DOI” as generally depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011-Non-Federal Parcel-Dripping Springs” and dated July 6, 2011; and

[(iii) the approximately 940 acres of land located in Santa Cruz County, Arizona, identified as “Lands to DOI” as generally depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011-Non-Federal Parcel-Appleton Ranch” and dated July 6, 2011.

[(2) MANAGEMENT OF ACQUIRED LAND.—

[(A) LAND ACQUIRED BY THE SECRETARY.—

[(i) IN GENERAL.—Land acquired by the Secretary under this section shall—

[(I) become part of the national forest in which the land is located; and

[(II) be administered in accordance with the laws applicable to the National Forest System.

[(ii) BOUNDARY REVISION.—On the acquisition of land by the Secretary under this section, the boundaries of the national forest shall be modified to reflect the inclusion of the acquired land.

[(iii) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of a national forest in which land acquired by the Secretary is located shall be deemed to be the boundaries of that forest as in existence on January 1, 1965.

[(B) LAND ACQUIRED BY THE SECRETARY OF THE INTERIOR.—

[(i) SAN PEDRO NATIONAL CONSERVATION AREA.—

[(I) IN GENERAL.—The land acquired by the Secretary of the Interior under paragraph (1)(B)(i) shall be added to, and administered as part of, the San Pedro National Conservation Area in accordance with the laws (including regulations) applicable to the Conservation Area.

[(II) MANAGEMENT PLAN.—Not later than 2 years after the date on which the land is acquired, the Secretary of the Interior shall update the management plan for the San Pedro National Conservation Area to reflect the management requirements of the acquired land.

[(ii) DRIPPING SPRINGS.—Land acquired by the Secretary of the Interior under paragraph (1)(B)(ii) shall be managed in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable land use plans.

[(iii) LAS CIENEGAS NATIONAL CONSERVATION AREA.—Land acquired by the Secretary of the Interior under paragraph (1)(B)(iii) shall be added to, and administered as part of, the Las Cienegas National Conservation Area in accordance with the laws (including regulations) applicable to the Conservation Area.

[(e) VALUE ADJUSTMENT PAYMENT TO UNITED STATES.—

[(1) ANNUAL PRODUCTION REPORTING.—

[(A) REPORT REQUIRED.—As a condition of the land exchange under this section, Resolution Copper shall submit to the Secretary of the Interior an annual report indicating the quantity of locatable minerals produced during the preceding calendar year in commercial quantities from the Federal land conveyed to Resolution Copper under subsection (c). The first report is required to be submitted not later than February 15 of the first calendar year beginning after the date of commencement of production of valuable locatable minerals in commercial quantities from such Federal land. The reports shall be submitted February 15 of each calendar year thereafter.

[(B) SHARING REPORTS WITH STATE.—The Secretary shall make each report received under subparagraph (A) available to the State.

[(C) REPORT CONTENTS.—The reports under subparagraph (A) shall comply with any recordkeeping and reporting requirements prescribed by the Secretary or required by applicable Federal laws in effect at the time of production.

[(2) PAYMENT ON PRODUCTION.—If the cumulative production of valuable locatable minerals produced in commercial quantities from the Federal land conveyed to Resolution Copper under subsection (c) exceeds the quantity of production of locatable minerals from the Federal land used in the income capitalization approach analysis prepared under subsection (c)(4)(C), Resolution Copper shall pay to the United States, by not later than March 15 of each applicable calendar year, a value adjustment payment for the quantity of excess production at the same rate assumed for the income capitalization approach analysis prepared under subsection (c)(4)(C).

[(3) STATE LAW UNAFFECTED.—Nothing in this subsection modifies, expands, diminishes, amends, or otherwise affects any State law relating to the imposition, application, timing, or collection of a State excise or severance tax.

[(4) USE OF FUNDS.—

[(A) SEPARATE FUND.—All funds paid to the United States under this subsection shall be deposited in a special fund established in the Treasury and shall be available, in such amounts as are provided in advance in appropriation Acts, to the Secretary and the Secretary of the Interior only for the purposes authorized by subparagraph (B).

[(B) AUTHORIZED USE.—Amounts in the special fund established pursuant to subparagraph (A) shall be used for maintenance, repair, and rehabilitation projects for Forest Service and Bureau of Land Management assets.

[(f) WITHDRAWAL.—Subject to valid existing rights, Apache Leap and any land acquired by the United States under this section are withdrawn from all forms of—

[(1) entry, appropriation, or disposal under the public land laws;

[(2) location, entry, and patent under the mining laws; and

[(3) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

[(g) APACHE LEAP SPECIAL MANAGEMENT AREA.—

[(1) DESIGNATION.—To further the purpose of this section, the Secretary shall establish a special management area consisting of Apache Leap, which shall be known as the “Apache Leap Special Management Area” (referred to in this subsection as the “special management area”).

[(2) PURPOSE.—The purposes of the special management area are—

[(A) to preserve the natural character of Apache Leap;

[(B) to allow for traditional uses of the area by Native American people; and

[(C) to protect and conserve the cultural and archeological resources of the area.

[(3) SURRENDER OF MINING AND EXTRACTION RIGHTS.—As a condition of the land exchange under subsection (c), Resolution Copper shall surrender to the United States, without compensation, all rights held under the mining laws and any other law to commercially extract minerals under Apache Leap.

[(4) MANAGEMENT.—

[(A) IN GENERAL.—The Secretary shall manage the special management area in a manner that furthers the purposes described in paragraph (2).

[(B) AUTHORIZED ACTIVITIES.—The activities that are authorized in the special management area are—

[(i) installation of seismic monitoring equipment on the surface and subsurface to protect the resources located within the special management area;

[(ii) installation of fences, signs, or other measures necessary to protect the health and safety of the public; and

[(iii) operation of an underground tunnel and associated workings, as described in the Resolution mine plan of operations, subject to any terms and conditions the Secretary may reasonably require.

[(5) PLAN.—

[(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with affected Indian tribes, the Town, Resolution Copper, and other interested members of the public, shall prepare a management plan for the Apache Leap Special Management Area.

[(B) CONSIDERATIONS.—In preparing the plan under subparagraph (A), the Secretary shall consider whether additional measures are necessary to—

[(i) protect the cultural, archaeological, or historical resources of Apache Leap, including permanent or seasonal closures of all or a portion of Apache Leap; and

[(ii) provide access for recreation.

[(6) MINING ACTIVITIES.—The provisions of this subsection shall not impose additional restrictions on mining activities carried out by Resolution Copper adjacent to, or outside of, the Apache Leap area beyond those otherwise applicable to mining activities on privately owned land under Federal, State, and local laws, rules and regulations.

[(h) CONVEYANCES TO TOWN OF SUPERIOR, ARIZONA.—

[(1) CONVEYANCES.—On request from the Town and subject to the provisions of this subsection, the Secretary shall convey to the Town the following:

[(A) Approximately 30 acres of land as depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011-Federal Parcel-Fairview Cemetery” and dated March 2011.

[(B) The reversionary interest and any reserved mineral interest of the United States in the approximately 265 acres of land located in Pinal County, Arizona, as depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011-Federal Reversionary Interest-Superior Airport” and dated March 2011.



[(C) The approximately 250 acres of land located in Pinal County, Arizona, as depicted on the map entitled “Southeast Arizona Land Exchange and Conservation Act of 2011-Federal Parcel-Superior Airport Contiguous Parcels” and dated March 2011.

[(2) PAYMENT.—The Town shall pay to the Secretary the market value for each parcel of land or interest in land acquired under this subsection, as determined by appraisals conducted in accordance with subsection (c)(4).

[(3) SISK ACT.—Any payment received by the Secretary from the Town under this subsection shall be deposited in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a) and shall be made available to the Secretary for the acquisition of land or interests in land in Region 3 of the Forest Service.

[(4) TERMS AND CONDITIONS.—The conveyances under this subsection shall be subject to such terms and conditions as the Secretary may require.

[(i) MISCELLANEOUS PROVISIONS.—

[(1) REVOCATION OF ORDERS; WITHDRAWAL.—

[(A) REVOCATION OF ORDERS.—Any public land order that withdraws the Federal land from appropriation or disposal under a public land law shall be revoked to the extent necessary to permit disposal of the land.

[(B) WITHDRAWAL.—On the date of enactment of this Act, if the Federal land or any Federal interest in the non-Federal land to be exchanged under subsection (c) is not withdrawn or segregated from entry and appropriation under a public land law (including mining and mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.)), the land or interest shall be withdrawn, without further action required by the Secretary concerned, from entry and appropriation. The withdrawal shall be terminated—

[(i) on the date of consummation of the land exchange; or

[(ii) if Resolution Copper notifies the Secretary in writing that it has elected to withdraw from the land exchange pursuant to section 206(d) of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1716(d)).

[(C) RIGHTS OF RESOLUTION COPPER.—Nothing in this section shall interfere with, limit, or otherwise impair, the unpatented mining claims or rights currently held by Resolution Copper on the Federal land, nor in any way change, diminish, qualify, or otherwise impact Resolution Copper’s rights and ability to conduct activities on the Federal land under such unpatented mining claims and the general mining laws of the United States, including the permitting or authorization of such activities.

[(2) MAPS, ESTIMATES, AND DESCRIPTIONS.—

[(A) MINOR ERRORS.—The Secretary concerned and Resolution Copper may correct, by mutual agreement, any minor errors in any map, acreage estimate, or description of any land conveyed or exchanged under this section.

【(B) CONFLICT.—If there is a conflict between a map, an acreage estimate, or a description of land in this section, the map shall control unless the Secretary concerned and Resolution Copper mutually agree otherwise.

【(C) AVAILABILITY.—On the date of enactment of this Act, the Secretary shall file and make available for public inspection in the Office of the Supervisor, Tonto National Forest, each map referred to in this section.

【(3) PUBLIC ACCESS IN AND AROUND OAK FLAT CAMPGROUND.—As a condition of conveyance of the Federal land, Resolution Copper shall agree to provide access to the surface of the Oak Flat Campground to members of the public, including Indian tribes, to the maximum extent practicable, consistent with health and safety requirements, until such time as the operation of the mine precludes continued public access for safety reasons, as determined by Resolution Copper.】

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## DISSENTING VIEWS

H.R. 1884 would repeal 16 U.S.C. 539p, the Southeast Arizona Land Exchange and Conservation Act, which was enacted as part of the Fiscal Year (FY) 2015 National Defense Authorization Act (NDAA). H.R. 1884 also establishes a mineral withdrawal in the area known as Oak Flat in Arizona. This legislation is intended to prevent the Resolution Copper mining project from going forward and ban development of some of the most valuable copper resources in the nation. Committee Republicans are strongly opposed to this bill.

The Resolution Copper project is a proposed copper mine located near the town of Superior, Arizona, on lands within the Tonto National Forest. A land exchange to facilitate development of the mine was made law in 2014 as part of the FY2015 NDAA, which provided for the exchange of 2,422 acres of U.S. Forest Service (USFS) land (known as the “Oak Flat” parcel) for eight land parcels throughout Arizona totaling 5,376 acres owned by Resolution Copper. The execution of the land exchange is conditioned on the publication of a Final Environmental Impact Study (FEIS) by the Department of Agriculture through the USFS.

Public engagement on Resolution Copper has occurred almost continuously since 2011. Before and during the submission of the original mine plan of operations in 2013, through the legislative process authorizing the land exchange, and before and after the publication of the initial FEIS, Resolution Copper has engaged in extensive and ongoing consultation with USFS, local tribes, non-governmental organizations, local elected officials, and other stakeholders. Public comment and tribal input has directly led to multiple changes from the original mine plan, such as a location change for a proposed tailings site and the protection of Apache Leap.

An FEIS and draft Record of Decision (ROD) was issued by the Trump administration on January 15, 2021. However, on February 11, 2021, the Advisory Council on Historic Preservation (ACHP) terminated the Section 106 consultation process under the National Historic Preservation Act, directly contradicting its earlier acknowledgements that both the Tonto National Forest and Resolution Copper were in compliance with their requirements. As a result of ACHP’s termination of the Section 106 consultation, on March 1, 2021, the Biden administration withdrew the notice of Availability and rescinded the FEIS and draft ROD on the 45th day of the 45-day public comment period.

Blocking the Resolution Copper project would withhold tremendous economic and employment benefits from the surrounding region and the United States as a whole. Once operational, Resolution Copper would be the largest copper mine in North America, capable of producing about 40 billion pounds of copper over 40

years and meeting about 25 percent of domestic copper demand. Copper has extensive uses across economic sectors, including defense, electronics, and renewable energy technologies, and demand is expected to increase drastically in the coming decades. According to the World Bank, we will need to mine as much copper in the next 25 years as we have in the last 5,000 to meet demand, including the needs of electric vehicle growth and wider electrification goals. Furthermore, Resolution Copper's parent company, Rio Tinto, operates one of only two operating copper smelters in North America. This smelter produces critical minerals that are byproducts of copper, namely rhenium, used in superalloys for high-temperature turbine engines, as well as tellurium, an essential element in solar panels. Rio Tinto has stated publicly that all copper produced will stay in the United States.

Economic benefits of this project will also be felt at the local and state level. Resolution Copper is anticipated to support 1,500 direct jobs and 2,200 indirect jobs in the surrounding area and could generate as much as \$61 billion to the Arizona economy over the decades-long life of the mine.<sup>1</sup> Annual state and local tax revenues could bring in an estimated \$88 million to \$113 million, and the federal government could see \$200 million. The project has already received \$2 billion in investment, including about 600 current employees, many of whom are tribal members. For instance, the project workforce includes approximately 60 members of the San Carlos Tribe.

The land exchange that would be reversed by H.R. 1884 was part of a 56-bill bipartisan compromise, passed by both chambers of Congress and signed into law by the President and the exchange should be allowed to go forward as intended. Blocking this mine ignores the realities of growing global demand for minerals. The United States should be encouraging responsible domestic mining to reduce foreign dependencies and support our economy.

For these reasons, I am strongly opposed to H.R. 1884.

BRUCE WESTERMAN.



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<sup>1</sup>Resolution Copper. "Project Facts." <https://www.resolutioncopper.com/files/media-releases/Resolution%20Economic%20Benefits%20Nov%202020.pdf>.