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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

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.

IN THE HOUSE OF REPRESENTATIVES

Mr. GRIJALVA introduced the following bill; which was referred to the Committee on _____

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Save Oak Flat From
5 Foreign Mining Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

1 (1) Resolution Copper is jointly owned by two
2 foreign mining companies, Rio Tinto and BHP.

3 (2) The largest shareholder of Rio Tinto is a
4 foreign mining entity, Shining Prospect Private
5 Limited Company, that based in Singapore and is
6 owned by the company Chinalco.

7 (3) Chinalco is a holding company of the State-
8 owned Assets Supervision and Administration Com-
9 mission of the State Council (SASAC) of the Peo-
10 ple's Republic of China.

11 (4) Rio Tinto has a long record of human
12 rights violations and environmental devastation,
13 harming Indigenous and other communities around
14 the world, including in Australia, Papua New Guin-
15 ea, Madagascar, Indonesia, Mongolia, and Namibia.

16 (5) In 2020, Rio Tinto used explosives to blow
17 up a site sacred to the Puutu Kunti Kurrama and
18 Pinikura peoples in Western Australia, including the
19 Juukan Gorge Rock Dwellings which have evidence
20 of human habitation dating back 46,000 years, re-
21 sulting in immeasurable cultural and spiritual loss
22 and pain for Indigenous communities.

23 (6) Oak Flat is located in the Tonto National
24 Forest, which was established in 1905 from the an-
25 cestral homelands of American Indians who were

1 forcibly removed at gunpoint from Oak Flat and
2 other areas of the Forest by the United States Army
3 during the 1880s and held as prisoners of war until
4 the early 1900s.

5 (7) Oak Flat is listed on the National Register
6 of Historic Places as the Traditional Cultural Prop-
7 erty of Chí'chil Bıldagoteel Historic District.

8 (8) Despite significant opposition in the United
9 States Congress, section 3003 was included as a
10 rider in the Carl Levin and Howard P. 'Buck'
11 McKeon National Defense Authorization Act for
12 Fiscal Year 2015 (16 U.S.C. 539p) that mandates
13 the transfer of 2,422 acres of the sacred Oak Flat
14 area to foreign-owned Resolution Copper within 60
15 days of publication of an Environmental Impact
16 Statement.

17 (9) To maximize shareholder profits through
18 the monetization of American resources, foreign-
19 owned Resolution Copper plans to use the cheapest
20 and most destructive form of mining, block cave
21 mining, to develop a large-scale copper mine that
22 will obliterate the sacred Oak Flat area and result
23 in a crater 1.8 miles long and at least 1,000 feet
24 deep, depriving American Indians from conducting
25 religious ceremonies and other traditional practices.

1 (10) Section 3003 lacks any requirement for
2 foreign-owned Resolution Copper to sell the copper
3 it extracts from beneath Oak Flat in the United
4 States.

5 (11) According to the United States Geological
6 Survey's 2023 annual report, over 25 percent of all
7 copper mined in the United States in 2022 was ex-
8 ported overseas.

9 (12) According to a 2020 University of Arizona
10 report, copper has consistently been a top export
11 from the State of Arizona, with most of it being
12 shipped to the People's Republic of China from the
13 Port of Guaymas in Sonora, Mexico.

14 (13) Foreign-owned Resolution Copper intends
15 to extract copper ore beneath Oak Flat, which will
16 be slurried through 22 miles of pipelines and loaded
17 onto trains to be likely ship overseas according to
18 the Arizona Department of Transportation.

19 (14) Foreign-owned Resolution Copper's mine
20 will deplete, destroy, and poison substantial amounts
21 of limited and precious water resources in a region
22 that is already suffering from severe water shortages
23 by—

24 (A) pumping at least 775,000 acre-feet of
25 water, which is approximately 250,000,000,000

1 gallons over the 40-year life of the mine and is
2 enough water to support 140,000 homes annu-
3 ally for 40 years; and

4 (B) redirecting water from the East Salt
5 River Valley, which will comprise approximately
6 seventy percent of the project's groundwater
7 that will be used to slurry 1,370,000,000 tons
8 of toxic mine waste through approximately 19
9 miles of pipelines to a massive toxic waste
10 dump.

11 (15) Foreign-owned Resolution Copper's mas-
12 sive depletion of local groundwater will cause land
13 subsidence in the East Salt River Valley by as much
14 as 4 feet, and groundwater level decreases by 199
15 feet in some areas.

16 (16) Despite the rapidly deteriorating drought
17 conditions in the Colorado River Basin, foreign-
18 owned Resolution Copper received an allocation of
19 over 2,200 acre-feet per year of Central Arizona
20 Project water in 2021, while homes across the
21 southwest continue to face looming water restric-
22 tions due to oversubscribed water supplies.

23 (17) Foreign-owned Resolution Copper's mine
24 will result in a permanent toxic waste dump site of
25 approximately 500 feet high and 3 miles long, span-

1 ning approximately 4,000 acres, in the Gila River
2 watershed, which will store 1,370,000,000 tons of
3 mine waste and destroy the ecosystem and Tribal
4 cultural resources in the region.

5 **SEC. 3. DEFINITIONS.**

6 In the Act:

7 (1) OAK FLAT.—The term “Oak Flat” means
8 the approximately 2,422 acres of Forest System
9 land in the Tonto National Forest in southeastern
10 Arizona commonly known as “Oak Flat” and gen-
11 erally depicted as “Oak Flat Withdrawal Area” on
12 the map titled “Save Oak Flat From Foreign Min-
13 ing Act” and dated March 2, 2023.

14 (2) RESOLUTION COPPER.—The term “Resolu-
15 tion Copper” means Resolution Copper Mining,
16 LLC, owned by the foreign entities of Rio Tinto and
17 BHP.

18 **SEC. 4. REPEAL AND WITHDRAWAL.**

19 (a) REPEAL.—Section 3003 of the Carl Levin and
20 Howard P. “Buck” McKeon National Defense Authoriza-
21 tion Act for Fiscal Year 2015 (16 U.S.C. 539p) is re-
22 pealed.

23 (b) WITHDRAWAL.—Subject to valid rights in exist-
24 ence on the date of the enactment of this Act, Oak Flat
25 is withdrawn from all forms of—

- 1 (1) entry, appropriation, or disposal under the
- 2 public land laws;
- 3 (2) location, entry, and patent under the mining
- 4 laws; and
- 5 (3) disposition under all laws pertaining to min-
- 6 eral and geothermal leasing or mineral materials.