

Senate amendment to H.R. 2608 (H. Res. 405)—CR 111 Senate amendment to H.R. 2608 (H. Res. 412)—CR

H.R. 658 (H. Res. 189)—FAA reauthorization

H.R. 754 (H. Res. 264)—Intel Authorization
H.R. 1892 (H. Res. 392)—Intel Authorization
Vote no on the previous question, reject this rule, and reject the pay-for that violates the Budget Act and cuts healthcare for low-income families.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 448 OFFERED BY
MR. HASTINGS OF FLORIDA

(1) In the first section of the resolution, strike "the previous question" and all that follows and insert the following:

The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; (2) the amendment printed in section 4, if offered by Representative Levin of Michigan, or Representative Bishop of New York, or Representative Keating of Massachusetts, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(2) At the end of the resolution, add the following:

SEC. 4. The amendment referred to in the first section of this resolution is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. REPEAL OF IMPOSITION OF 3 PERCENT WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

(a) IN GENERAL.—Section 3402 of the Internal Revenue Code of 1986 is amended by striking subsection (t).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2011.

SEC. 2. DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES NOT ALLOWED WITH RESPECT TO OIL AND GAS ACTIVITIES OF MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Subparagraph (A) of section 199(d)(9) of the Internal Revenue Code of 1986 is amended by inserting "(9 percent in the case of any major integrated oil company (as defined in section 167(h)(5)))" after "3 percent".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), de-

scribes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this question will be postponed.

SOUTHEAST ARIZONA LAND EXCHANGE AND CONSERVATION ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1904.

The SPEAKER pro tempore (Mr. SCOTT of South Carolina). Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 444 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1904.

□ 1321

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1904) to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes, with Mr. MURPHY of Pennsylvania in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, our Nation has suffered through 32 consecutive months of over 8 percent unemployment, and people everywhere across our great Nation continue to ask, where are the jobs? Congress' top priority right now is job creation, and today we have an opportunity to act on that commitment by passing a bill that would put thousands of Americans to work.

The Southeast Arizona Land Exchange and Conservation Act, sponsored by our colleague from Arizona (Mr. GOSAR), is a commonsense measure that will create new American jobs and strengthen our economy through increased U.S. mineral production.

The bill authorizes an equal-value land exchange between Resolution Copper, the Federal Government, the State of Arizona and the town of Superior, Arizona, that will open up the third-largest undeveloped copper resource in the world. The bill requires the cost of the land exchange to be fully paid for by the mine developer, ensuring fair treatment for taxpayers and for the government.

This project will provide substantial benefits to the United States in the

form of job creation, economic growth, and increased national security. This mining project will support nearly 3,700 jobs. These are good paying, American wage jobs that will equate to more than \$220 million in annual wages.

At a time when our economy continues to struggle, this mining project will provide a much-needed boost through private investment. This mining activity will have over \$60 billion in economic impact, and will generate \$20 billion in total Federal, State, county, and local tax revenue.

So this bill, Mr. Chairman, is a perfect example of how safely and responsibly harnessing our resources will generate revenue and get our economy back on track. The importance of U.S. copper production cannot be overstated. Our Nation has become increasingly reliant on foreign countries for our mineral resources, placing our economic competitiveness and national security at risk.

The U.S. currently imports 30 percent of the copper we need, and we will continue to be dependent on foreign countries if we fail to develop our own resources and the vast resources, indeed, we have in this country. The copper produced from this single project will meet 25 percent of the United States' entire copper demand. The copper could be used for a variety of projects, ranging from hybrid cars like the Prius to medical devices, plumbing, and computers. Without it, the microphones and lights that we're using here right now would not be functioning. It's also essential for national defense equipment and technology. It is used in satellite, space and aviation, weapons guidance, and communications.

The benefits and the reasons to pass this bill, Mr. Chairman, are plentiful. However, we are likely to hear several inaccurate claims from those across the aisle who are opposed to mining in America. I would like to take a moment to set the record straight right from the beginning.

First, the bill follows the standard Federal land appraisal process, procedures issued by the Department of Justice which have been used in this country for decades. The appraisal requires full market value to be paid for both the land and minerals within.

If, by chance, there is copper production beyond the appraised value, Mr. Chairman, the mine developer will be required to pay the United States the difference, which would be assessed on an annual basis. This is an added guarantee to ensure that taxpayers get a fair return on their copper resources.

Second, this bill is about creating nearly 3,700 American jobs. It's not about helping foreign mining interests, as some have charged. Opposing this mine and not producing copper in the U.S. is what truly benefits foreign nations by sending American jobs overseas and making it increasingly reliant on foreign resources of critical minerals.

Third, the bill requires full compliance with environmental laws and trib-

al consultation prior to constructing the mine. This bill provides more conservation and protection of culturally sensitive riparian and critical habitat than otherwise would occur, especially areas to be conveyed currently under private ownership.

Fourth, the developer has already secured over half the water needed for this project, and has committed to having 100 percent of the water it needs in hand before construction begins. Claims that the project will require the same amount of water used by the City of Tempe is, Mr. Chairman, a gross exaggeration.

Finally, this bill does not trade away sacred sites. As previously stated, the bill requires tribal consultation. And there is a map that will be shown later on today that talks about the copper triangle in this part of Arizona, and you will see that on this map which will be shown later, this mine is right in the middle of that copper triangle.

H.R. 1904 is about creating new American jobs, strengthening our economy, and decreasing our dependence on foreign minerals. The bill has broad support, both locally and nationally, including from Arizona Governor Jan Brewer, the Arizona Chamber of Commerce, the U.S. Chamber of Commerce, the National Association of Manufacturing, and the National Mining Association.

They all, Mr. Chairman, recognize the job-creating benefits of this bill. So I urge my colleagues to strongly support H.R. 1904 to put Americans back to work on American jobs and utilize the vast resources in this country that we should be using for economic and for national security reasons.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. I yield myself such time as I may consume.

H.R. 1904 is a triple threat. It will rob Native people of their heritage. It will rob local people of their water. And it will rob the American people of their money.

This legislation is simply an abdication of our responsibilities as stewards of public lands and the public trust, and it must be rejected. The Congress routinely considers land exchanges. It is our responsibility to weigh the merits of each proposal to determine whether it is in the best interest of the American people. Some proposals facilitate public recreation, some help local communities build courthouses and schools, and some serve important environmental goals.

The land exchange required by H.R. 1904 serves none of those purposes. Rather, this legislation will take thousands of acres of healthy, protected, sacred public land and convert it into billions of dollars in corporate profits for two foreign mining companies.

H.R. 1904 trades away several sites that are sacred to Native people. The hearing record before the Natural Resources Committee includes desperate pleas from San Carlos Apache, White

Mountain Apache, Yavapai-Apache, Tonto Apache, Fort McDowell Yavapai, Hualapai, Jicarilla Apache, Mescalero Apache, and the Zuni Pueblo and others, pleading to respect the religious and cultural traditions.

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Instead, the bill waives compliance with NEPA, the Native American Graves Protection Act, the Historic Preservation Act, and all other statutes that might give the tribes a voice and respect at the table before this decision is finalized. The final insult comes when the bill requires consultation with Native people—after the land exchange, after that exchange has already occurred. This will not be government-to-government consultations as required by the treaty trust relationship. Rather it continues a pattern of neglect and belittles Native people once again.

The legislation also threatens to dewater a large and already drought-prone area, turning it from an arid but functioning landscape into a desert. According to testimony received by the committee, a mining operation like the one planned by Resolution Copper requires an estimated 40,000 acre-feet of water per year. This is roughly the amount of water used by the entire city of Tempe in Arizona.

The company does not own any water rights and has failed to indicate where the water from the mining operation will come from. Historically, mining companies have simply sunk their wells deeper than their neighbors and taken the water that they need. A Federal mining permit process, along with compliance with NEPA and other laws, might mitigate or at least explore these concerns; but the legislation allows Resolution Copper to skip these steps, leaving the people of southeastern Arizona in grave danger of severe water shortages. NEPA happens after that land trade is finalized, when Rio Tinto—the parent company of Resolution Copper—holds all the cards. Compliance with NEPA becomes unclear and poses legal issues regarding private property.

Finally, the legislation will allow Rio Tinto—the parent company of Resolution Copper—to realize billions in profits without guaranteeing a fair return to the current owners of the land, the American people. The bill contains appraisal and payment provisions; but the language is nonstandard, and in some cases totally unique. Why are such provisions necessary when a simple, straightforward royalty would provide a fair and predictable return for the taxpayers?

At a time when we are told that everybody from college students to the elderly must accept drastic cuts to basic Federal programs, it is unconscionable that we would approve a massive transfer of wealth from the American people to a foreign-owned mining company without insisting on a fair return.

Supporters of this legislation claim it would create jobs. Job creation has been the excuse used here on the House floor to push legislation dismantling the last century of environmental protection, and H.R. 1904 continues that pattern. The job-creation claims are all based on predictions provided by the industry and the companies which stand to profit from this deal without a mining plan to verify or corroborate any of the information. Thus, they are all highly suspect.

When this proposal was first developed in 2005, the Arizona Republic and Tucson Citizen reported the mine would create 450 jobs. Without explanation, these predictions have skyrocketed over the years to 1,200 jobs to 3,700 today; and 6,000 jobs, as well, have been brought up as numbers of jobs that would be created. None of these numbers are supported by facts.

The trend in mining over the last several decades is clear: mining companies are producing more and more and using fewer and fewer workers. Rio Tinto and BHP-Billiton are pioneers in the use of automation, and the Resolution Copper project is an opportunity to perfect these technologies even further. The number of jobs actually created by H.R. 1904 will pale in comparison to the economic and environmental devastation that it could cause.

Mr. Chairman, this is a special interest legislation that is not in the interests of the American people. This legislation asks Congress to be business agents for foreign-owned corporations and not stewards of the public land or represent the American taxpayer.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 5 minutes to the gentleman from Arizona (Mr. GOSAR), the sponsor of this bill, somebody who has been absolutely tenacious in seeing that this legislation advances to where it is today.

Mr. GOSAR. I rise today in support of my legislation, H.R. 1904, the Southeast Arizona Land Exchange and Conservation Act, legislation that will create new American jobs, reduce our dependence on foreign sources of energy and minerals, protect high-profile conservation lands, and generate revenue for Federal and State treasuries.

In this time of serious economic hardship, Congress must engage in serious debate over serious issues. What should not guide Congress is an endless game of unfounded attacks that lead to trumped-up fear-mongering to gain political advantage, particularly, in this case, the fear of robots.

This legislation is a real job creator. I would like to tell a story about Chris Astor, a current employee at the mine site and a member of the San Carlos Apache Tribe. Chris grew up attending public schools on the San Carlos Apache Reservation and graduated from high school in nearby Globe. In 2010, Chris was among those in the first group of the Resolution Experience

participants—a paid 3-week program Resolution launched in the summer of 2010 to introduce potential employees to the world of mining. Each participant receives a Mining Safety and Health Administration-certified training and then is exposed to the various work disciplines within Resolution Copper. Following this 3-week program, many of the program participants are hired by the company or its contractors. Among the hired employees was Chris Astor.

Chris is one of seven San Carlos Apaches who have been hired by Resolution Copper or its contractor since the program began in the summer of 2010. Chris now works as a core handler—one of a seven-member crew that retrieves drill core samples from the rigs that do the project. I've had the blessing of doing this in my own life for my dad. Under the guidance of geologists, the core handlers log, process, and archive core samples with geologists and mine engineers helping them to rely on and understand the nature of the ore body. "I would like to eventually try different jobs, get a broader view, learn and grow into a supervisory role," Chris says. "I also want to be trained to work underground."

Prior to the Resolution Experience, Chris worked at the Pinto Valley copper mine, an open-pit mine a few miles northeast of Resolution Projects, which is owned by BHP-Billiton. However, this mine is currently closed. Before joining Resolution Experience, Chris had been out of work for more than a year.

Chris is now a 31-year-old father of three children, ages 13, 9, and 5. With his stable, good-paying job, including great medical and benefits, Chris is able to confidently support his family. "I can take care of my kids better and provide what they need—and sometimes even what they want," he says.

Life was not always good for Chris. He grew up as an only child raised by his mother and grandparents. He spent most of his childhood on the reservation. "We went where my mom could find work," he says. "I never knew my dad." Chris feels fortunate to have a job and to live on the reservation, where more than 80 percent of the residents live in poverty and seven out of 10 eligible workers are unemployed.

It is true that modern mining technology uses high-tech equipment to accomplish certain tasks. This is done for efficiency's sake and for the sake of worker safety. Mining is a potentially hazardous task and certainly a difficult one that must be done with precision.

Chris is not a robot. You can still see there is a need for people to run the mine, to drive the trucks, to feed the workers, to drill the holes, to engineer the dig, to build the structures, to process the minerals, and, yes, build, maintain and control technology. Chris is a real human being operating this technology already at the site whose life has benefited greatly from this project. If we pass this legislation, over

3,700 more success stories like Chris's will come to fruition.

I urge my colleagues to continue this debate with serious discussions about the facts about this bill, not scare tactics.

Mr. GRIJALVA. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona, my colleague, Mr. PASTOR.

(Mr. PASTOR of Arizona asked and was given permission to revise and extend his remarks.)

Mr. PASTOR of Arizona. First of all, I want to thank the gentleman from Arizona for the courtesy.

Mr. Chairman, this is an issue that I have been working on for probably the last 10 years. And one of the interests that I have on this issue is because I was born in and grew up in this copper triangle that we're talking about today.

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It's a beautiful area, and at one time, copper was the industry for this Copper Triangle. Yet, over the past 20-25 years, many of the mines have shut down, and copper production has stopped in Arizona. So I have to tell you that my interest in this land exchange would be the possible economic development of this area.

I travel through this area because my mom still lives up in Miami, Arizona, where I was born and raised. I travel regularly, at least once a month, through these canyons. I can tell you that it's the most beautiful sight, about 85 miles east of Phoenix, where you can still see a fine, pristine environment with some of the most spectacular rock formations you'll ever see in this country. It's very beautiful, but it's also an area that has been hit by some hard times.

I grew up in a mining town, so I know what a mining town is. During the summers, while I was attending Arizona State University, I'd go to work in the mines. I worked in the leaching plant, the electrolytic plant, the leaching tanks, the ball mills, and the moly plant, so I have the experience of knowing this type of life. I know the economic boom that copper mining can bring to a community, but I also have experience with the adverse impact that copper mining can have, not only on the people who work there, but also on the environment. I have seen both sides.

It's with that interest that I have seen the evolution of this debate. At one time, even I sponsored a bill that would deal with the economic development of these mining towns—Superior, Globe-Miami, et cetera. The area that we're talking about being exchanged, is an area I know well. As a kid growing up, we used this area for a picnic site, and in some cases, when we didn't go to school, that's where we would have our impromptu picnics. So I know this area.

I have to tell you, with regard to the issue of jobs, as will be discussed, I

guess “a number of jobs” is in the eye of the beholder. Mining has changed, and I know that it’s a different type of mining now from the one I experienced. We can debate the number of jobs, but I will tell you that this will bring some economic development to these areas of the Copper Triangle. That I cannot deny. Yet the issue for me is at what price.

At what price do we bring this economic development without some protection to the environment and without some protection to an employee’s rights?

There is no debate that this ore deposit has some of the richest ore bodies. Copper, gold, silver, molybdenum, and other rare metals will be mined here. It’s one of the richest deposits of ore not only in North America but probably in this world. That’s why Resolution Copper has maintained 8 years, 9 years, 10 years of trying to get this bill done, because they know how rich this deposit is.

So at what price do we pay for this economic boom?

Mr. Chairman, I will tell you of the differences I have with the sponsor of this bill. But, first, I have to thank him because Representative GOSAR reached out very early, and we talked about this particular bill. He has improved the bill I sponsored, but I feel that he has not gone far enough.

This bill would be highly improved if the amendment offered today that gives an 8 percent royalty fee on the extraction of the ore would be adopted, making the bill more fair to the American public. If that amendment is adopted, obviously, it will be very difficult to oppose this bill; but if the amendment is not adopted, then, Mr. Chairman, the American public will be paying too high a price for the economic development of the Copper Triangle. The only enrichment will be for those copper companies that are foreign based.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Arizona (Mr. QUAYLE), who also has been very tenacious on this issue.

Mr. QUAYLE. I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of H.R. 1904, a bill authored by my good friend and fellow Arizonan, Congressman GOSAR, that will create thousands of jobs in Arizona.

I want to commend Chairman HASTINGS for his work on this and for bringing it to the floor today.

What we see right now is a jobs crisis that we have in America. We need to be able to unleash the ingenuity of our job creators. We also have to make sure that we’re not putting up barriers for people to actually start companies, expand companies and hire new workers.

H.R. 1904 will have broad economic impacts, not only for Arizona but for the country as a whole, because it will create 3,700 jobs equaling nearly \$220.5 million in annual wages. These are

good, high-paying jobs right here in America. It will also generate nearly \$20 billion in Federal, State, county, and local tax revenue.

This is a win-win. Not only is this legislation completely paid for, but it also ensures that mining is done in a responsible manner because H.R. 1904 requires full compliance with NEPA and because it requires tribal consultation prior to mine construction.

Now, Mr. Chairman, copper is a vital mineral that we have in the United States and across the world. It’s going to continue to be vital because it’s a critical mineral that is widely used in construction, telecommunications, electricity, and transportation. Copper is also extremely conductive, which makes it very important in power generation and utility transmission.

Our actual desire and demand for copper is just going to continue to go up. That’s why we’ve actually started to import close to 30 percent of our copper from foreign countries. Now, if we actually open up this mine and allow this land swap to happen, this project alone could provide us with enough copper to meet 25 percent of current U.S. demand. By taking advantage of American sources of copper, we can prevent supply disruptions and decrease our dependence on foreign imports. Most importantly, Mr. Chairman, this bill will create thousands of American jobs in a responsible manner at no cost to the taxpayer.

I urge my colleagues to support this bill.

Mr. GRIJALVA. There is a cost to the taxpayer, Mr. Chairman. I would consider the fact that this very valuable mineral is being extracted without any royalties and without any payment a cost to the American taxpayer.

The issue about NEPA is not semantics. NEPA and other environmental processes should occur before the land trade, not after. After the land trade, it will be very difficult for compliance to happen. As a consequence, this land will be in the hands of a foreign-owned company, and it will be private property.

With that, I yield such time as he may consume to the ranking member of the Natural Resources Committee, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman from Arizona for yielding.

Mr. Chairman, the New Deal was a jobs plan. President Obama has put forward a jobs plan.

H.R. 1904 is not a jobs plan. H.R. 1904 is a massive payout to multinational mining giants that are wearing a jobs plan as a disguise. That disguise is slipping. Real jobs are about making wise investments in businesses and technologies that put Americans to work. This bill just gives billions of dollars in copper to foreign mining companies for free.

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Let’s do the math. Estimates vary on the value of the copper from \$2 billion

to \$7 billion or \$8 billion. So let’s just split the difference down the middle and say that the copper might be worth \$5 billion. The jobs claims for this bill vary wildly as well from 500 to 5,000 jobs.

Now, there is a good reason to believe the jobs numbers will be on the very low end, but let’s be optimistic and take the highest jobs claim possible.

So supporters of this bill are going to give away \$5 billion in hopes of creating 5,000 jobs. Well, that’s \$1 million per job, Mr. Chairman, \$1 million not paid necessarily to the workers themselves but to foreign mining giants. Now, is that the kind of wise investment that we need? I do not think so.

I think that we need some new jobs, but they should be real jobs. They should be here.

Much of the work that’s going to be done in this mining is going to be done by robots. So there will be full employment for R2-D2 and for the transformers; but the total number of jobs here, very speculative and very expensive per job created. That’s the real question here because I think many human beings are just going to remain unemployed under this plan.

And since it’s a multinational that gets the benefits, there will be plenty of accountants and lawyers in London and Melbourne, all around the world, that will be employed, but in America, not so many. And those that are there, very expensive, especially since the per capita cost is very, very high.

Now, why do we know that? Well, we know it because Rio Tinto and BHP-Billiton stand to pocket an enormous amount of money, billions of dollars, off of this deal.

So if you count the chauffeurs, if you count the food service workers in the executive dining rooms of these companies, well, you can see where there will be some jobs that are created if you’re adding it up that way.

But the truth is, this is a windfall, a windfall, which is why I am going to make an amendment to charge a reasonable royalty for the privilege of mining this copper on public lands in the United States. And when the majority votes “no” on that, when the Republicans say, no, we don’t want a royalty payment that can actually be collected by the American people, we’ll see what the real aim of this is, which is to privatize this resource for multinational corporations without giving the full benefit to the American taxpayer for the copper which is mined.

Mr. GRIJALVA and Mr. GARAMENDI will offer an amendment to require local hiring and local ore processing and Make It in America, make it here and have Americans working here doing this work, people from Arizona itself. That’s the real debate that we’re going to have.

In conclusion, Mr. LUJÁN as well will offer an amendment to protect Native American sacred sites from being destroyed by this bill. And when that is defeated as well by the majority, it will

be painfully clear just how far they are willing to go to enrich these foreign corporations.

This should not be a Filene's Basement sale. This should not be a fire sale giving away American valuable copper resources to multinationals. We should be able to put a price tag on what the American people are getting from this bargain basement sale, this giveaway, without proper compensation given to the American taxpayer.

That's what this bill and the debate is going to be all about. It's whether or not, in fact, there is corporate profiteering at taxpayer expense, plain and simple, which is at the heart of this bill. History will record that when the public cried out for a jobs plan to put Americans back to work, what was put together was a retirement plan for executives at Rio Tinto and BHP-Billiton that did not, in fact, get a return on investment for the American taxpayers.

THE NATIONAL CONGRESS OF AMERICAN INDIANS RESOLUTION #MKE-11-0XX

TITLE: OPPOSITION TO H.R. 1904, PROPOSING A LAND EXCHANGE IN SOUTHEASTERN ARIZONA FOR THE PURPOSE OF MINING OPERATIONS

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution, and

Whereas, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

Whereas, H.R. 1904, entitled "Southeast Arizona Land Exchange and Conservation Act of 2011," was introduced by Arizona District 1 Congressman, Paul Gosar, on May 13, 2011, to approve a federal land exchange to transfer to the ownership of Resolution Copper, a joint venture of two foreign mining companies, Rio Tinto, PLC and BHP Billiton, Ltd., over 2,400 acres of federal lands located within the Tonto National Forest for purposes of an unprecedented block cave copper mine; and

Whereas, the federal lands which are proposed to be exchanged, which are generally known as Oak Flat, are within the ancestral lands of certain Arizona Indian tribes, and these lands are of unique religious, cultural, traditional, and archeological significance to American Indian tribes in this region; and

Whereas, H.R. 1904 would require Congress to lift the decades old ban against mining within the 760 acres of the Oak Flat Withdrawal which was expressly set aside from mining by President Eisenhower in 1955 due to the land's value for recreation and other important purposes; and

Whereas, the mining proposed for Oak Flat will destroy the religious, cultural and traditional integrity of Oak Flat for American Indian tribes affiliated with the area, and it will cause serious and highly damaging environmental consequences to the water, wildlife, plants, and other natural ecosystems of the area; and

Whereas, the block cave mining method to be employed at Oak Flat will also cause the collapse of the surface of the earth and endanger the historic terrain at Apache Leap, Oak Flat, and Gaan Canyon, as well as in the surrounding countryside; and

Whereas, the mining activity would deplete and contaminate water resources from nearby watersheds and aquifers leaving in its wake long term and in some cases, permanent religious, cultural and environmental damage; and

Whereas, although we are not opposed to mining in general, this form of mining and mining in this location does not make sense, is offensive to us, and would pose a danger to many important values of this region; and

Whereas, the National Congress of American Indians has adopted resolutions in the past opposing this mining project at Oak Flat and the land exchange to be facilitated by H.R. 1904; and

Whereas, the Inter Tribal Council of Arizona, Inc. has adopted resolutions in the past opposing this mining project at Oak Flat and land exchange, and most recently adopted Resolution 0311 on May 20, 2011, opposing H.R. 1904; and

Whereas, the San Carlos Apache Tribe, the Fort McDowell Yavapai Nation, the White Mountain Apache Tribe, and other Tribes have opposed this land exchange due to the environmental consequences to the land in the proposed mining area, as well as the harm to religious, cultural, archeological, and historic resources from the proposed mining by the huge foreign mining companies; and now therefore, be it

Resolved, that the National Congress of American Indians oppose H.R. 1904, providing for a land exchange in southeastern Arizona for the purpose of mining by Resolution Copper; and be it further

Resolved, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

INTER TRIBAL COUNCIL OF ARIZONA
RESOLUTION 0311

IN OPPOSITION TO H.R. 1904, PROPOSING A LAND EXCHANGE IN SOUTHEASTERN ARIZONA FOR THE PURPOSE OF MINING OPERATIONS

Whereas, the Inter Tribal Council of Arizona (ITCA), an organization of twenty tribal governments in Arizona, provides a forum for tribal governments to advocate for national, regional and specific tribal concerns and to join in united action to address those concerns; and

Whereas, the member Tribes of the Inter Tribal Council of Arizona have the authority to act to further their collective interests as sovereign tribal governments; and

Whereas, the member Tribes of the ITCA have the charge to support the sovereign right of Indian nations, tribes, and communities on matters directly affecting them upon their request; and

Whereas, H.R. 1904, entitled "Southeast Arizona Land Exchange and Conservation Act of 2011," was introduced by District 1 Congressman, PAUL GOSAR, on May 13, 2011, to approve a federal land exchange to transfer to the ownership of Resolution Copper, a joint venture of two foreign mining companies, Rio Tinto, PLC and BHP Billiton, Ltd., over 2,400 acres of federal lands located within the Tonto National Forest for purposes of an unprecedented block cave copper mine; and

Whereas, the federal lands which are proposed to be exchanged, which are generally known as Oak Flat, are within the ancestral lands of certain Arizona Indian tribes, and these lands are of unique religious, cultural, traditional, and archeological significance to American Indian tribes in this region; and

Whereas, H.R. 1904 would require Congress to lift the decades old ban against mining within the 760 acres of the Oak Flat Withdrawal which was expressly set aside from mining by President Eisenhower in 1955 due to the lands value for recreation and other important purposes; and

Whereas, the mining proposed for Oak Flat will destroy the religious, cultural and traditional integrity of Oak Flat for American Indian tribes affiliated with the area, and it will cause serious and highly damaging environmental consequences to the water, wildlife, plants, and other natural ecosystems of the area; and

Whereas, the block cave mining method to be employed at Oak Flat will also cause the collapse of the surface of the earth and endanger the historic terrain at Apache Leap, Oak Flat, and Gaan Canyon, as well as in the surrounding countryside; and

Whereas, the mining activity would deplete and contaminate water resources from nearby watersheds and aquifers leaving in its wake long term and in some cases, permanent religious, cultural and environmental damage; and

Whereas, although we are not opposed to mining in general, this form of mining and mining in this location does not make sense, is offensive to us, and would pose a danger to many important values of this region; and

Whereas, the Inter Tribal Council of Arizona has adopted resolutions in the past opposing this mining project at Oak Flat and the land exchange to be facilitated by H.R. 1904; and

Whereas, the San Carlos Apache Tribe, the Fort McDowell Yavapai Nation, the White Mountain Apache Tribe, and other Tribes have opposed this land exchange due to the environmental consequences to the land in the proposed mining area, as well as the harm to religious, cultural, archeological, and historic resources from the proposed mining by the huge foreign mining companies; and now therefore be it

Resolved, that the member Tribes of ITCA oppose H.R. 1904, providing for a land exchange in southeastern Arizona for the purpose of mining by Resolution Copper; and be it finally

Resolved, that the ITCA inform all appropriate Congressional Committees, the Arizona Delegation, and all appropriate state and federal agencies of and the reasons for this position.

CERTIFICATION

The foregoing resolution was presented and duly adopted at a meeting of the Inter Tribal Council of Arizona on May 20, 2011, where a quorum was present.

SHAN LEWIS,
Vice-Chairman, Fort Mojave Tribe
President, Inter Tribal Council of Arizona.

EIGHT NORTHERN INDIAN PUEBLOS COUNCIL
INC. RESOLUTION No. 11-10-15

IN OPPOSITION TO H.R. 1904, PROPOSING A LAND EXCHANGE IN SOUTHEASTERN ARIZONA FOR THE PURPOSE OF MINING OPERATIONS

Whereas, the Eight Northern Indian Pueblos Council Inc. (ENIPC, Inc.), believes in supporting the sovereign rights of Indian nations, tribes, and communities on matters affecting them upon request; and

Whereas, traditional tribal life is rooted in a deep and personal understanding of the natural world and the forces that govern it; the source of tribal health, happiness, strength, and balance is the natural world, making our relationship with the natural world sacred; and

Whereas, H.R. 1904, entitled "Southeast Arizona Land Exchange and Conservation Act of 2011," would approve a federal land exchange to transfer to the ownership of Resolution Copper over 2,400 acres of federal lands

located within the Tonto National Forest for purposes of an unprecedented block cave copper mine; and

Whereas, the federal lands which are proposed to be exchanged, which are generally known as Oak Flat, are within the ancestral lands of certain Indian tribes, and these lands are of unique religious, cultural, traditional, and archeological significance to American Indian tribes in this region; and

Whereas, H.R. 1904 would require Congress to lift the decades old ban against mining within the 760 acres of the Oak Flat Withdrawal which was expressly set aside from mining by President Eisenhower in 1955 due to the land's value for recreation and other important purposes; and

Whereas, the mining proposed for Oak Flat will destroy the religious, cultural and traditional integrity of Oak Flat for American Indian tribes affiliated with the area, and it will cause serious and highly damaging environmental consequences to the water, wildlife, plants, and other natural ecosystems of the area; and

Whereas, the block cave mining method to be employed at Oak Flat will also cause the collapse of the surface of the earth and endanger the religious and historic terrain at Apache Leap, Oak Flat, and Gaan Canyon, as well as in the surrounding countryside; and

Whereas, the mining activity would deplete and contaminate water resources from nearby watersheds and aquifers leaving in its wake long term and in some cases, permanent religious, cultural and environmental damage; and

Whereas, the National Congress of American Indians, the Inter Tribal Council of Arizona, the United South and Eastern Tribes, the San Carlos Apache Tribe, and other Arizona and New Mexico Tribes have opposed this land exchange due to the harm to religious, cultural, archeological, and historic resources, as well as the environmental consequences to the land from the proposed mining activities; and now, therefore, be it

Resolved, that the Eight Northern Indian Pueblo Council, Inc.'s Board of Governors firmly commit their support to oppose H.R. 1904: Southeast Arizona Land Exchange and Conservation Act of 2011; be it further

Resolved, that the ENIPC Board of Governors will inform all appropriate Congressional Committees, the New Mexico Delegation, and all appropriate federal agencies of and the reasons for this position; be it finally

Resolved, that the Tribal Council is expressly authorized to take any and all actions necessary to accomplish the intent of this Resolution.

CERTIFICATION

We hereby certify that Resolution No. 11-10-15 was considered and adopted at an Eight Northern Indian Pueblos Council, Inc., Board of Governors meeting held on October 18, 2011, and that a quorum was present and that the vote was 6 in favor, 0 opposed, 0 abstained and 2 absent.

Signed this 18th day of October 2011

GOVERNOR PERRY
MARTINEZ,
*Chairman, Pueblo de
San Ildefonso.*

GOVERNOR MARK
MITCHELL,
Pueblo of Tesuque.

GOVERNOR GERALD NAILOR,
Pueblo of Picuris.

GOVERNOR NELSON J.
CORDOVA,
Pueblo of Taos.

GOVERNOR RON LOVATO,
*Vice Chairman, Ohkay
Owingeh.*

GOVERNOR GEORGE RIVERA,

Pueblo of Pojoaque.
GOVERNOR ERNEST
MIRABAL,
Pueblo of Nambe.
GOVERNOR WALTER
DASHEHO,
Pueblo of Santa Clara.

Attest:

ROB CORABI,
*Interim Executive Di-
rector, Eight North-
ern Indian Pueblos
Council, Inc.*

ALL INDIAN PUEBLO COUNCIL RESOLUTION
2011-08

IN OPPOSITION TO H.R. 1904, PROPOSING A LAND
EXCHANGE IN SOUTHEASTERN ARIZONA FOR
THE PURPOSE OF MINING OPERATIONS

Whereas, the All Indian Pueblo Council ("AIPC") is comprised of the Pueblos of Acoma, Cochiti, Isleta, Laguna, Jemez, Santa Ana, Sandia, San Felipe, Santo Domingo, Zia, Zuni, Nambe, Picuris, Pojoaque, Santa Clara, San Ildefonso, Ohkay Owingeh, Tesuque, Taos and 1 Sovereign Pueblo, Ysleta Del Sur, located in the State of Texas and each possessing inherent government authority and sovereignty over their lands; and

Whereas, the member Tribes of AIPC have the charge to support the sovereign right of Indian nations, tribes, and communities on matters affecting them upon request; and

Whereas, H.R. 1904, entitled "Southeast Arizona Land Exchange and Conservation Act of 2011", would approve a federal land exchange to transfer to the ownership of Resolution Copper over 2,400 acres of federal lands located within the Tonto National Forest for purposes of an unprecedented block cave copper mine; and

Whereas, the federal lands which are proposed to be exchanged, which are generally known as Oak Flat, are within the ancestral lands of certain Arizona Indian tribes, and these lands are of unique religious, cultural, traditional, and archeological significance to American Indian tribes in this region; and

Whereas, H.R. 1904 would require Congress to lift the decades old ban against mining within the 760 acres of the Oak Flat Withdrawal which was expressly set aside from mining by President Eisenhower in 1955 due to the lands value for recreation and other important purposes; and

Whereas, the mining proposed for Oak Flat will destroy the religious, cultural and traditional integrity of Oak Flat for American Indian tribes affiliated with the area, and it will cause serious and highly damaging environmental consequences to the water, wildlife, plants, and other natural ecosystems of the area; and

Whereas, the block cave mining method to be employed at Oak Flat will also cause the collapse of the surface of the earth and endanger the religious and historic terrain at Apache Leap, Oak Flat, and Gaan Canyon, as well as in the surrounding country side; and

Whereas, the mining activity would deplete and contaminate water resources from nearby watersheds and aquifers leaving in its wake long term and in some cases, permanent religious, cultural and environmental damage; and

Whereas, the National Congress of American Indians, the Inter Tribal Council of Arizona, the United South and Eastern Tribes, the San Carlos Apache Tribe, and other Arizona and New Mexico Tribes have opposed this land exchange due to the harm to religious, cultural, archeological, and historic resources, as well as the environmental consequences to the land from the proposed mining activities; and now therefore be it

Resolved, the All Indian Pueblo Council Governors firmly commit their support to

oppose H.R. 1904: Southeast Arizona Land Exchange and Conservation Act of 2011; and be it further

Resolved, that the AIPC will inform all appropriate Congressional Committees, the New Mexico Delegation, and all appropriate federal agencies of and the reasons for this position; be it finally

Resolved, that the officers of AIPC are expressly authorized to take any and all steps necessary to effectuate the intent of this Resolution immediately.

CERTIFICATION

I, Chairman Sanchez of the All Indian Pueblo Council, hereby certify that the foregoing resolution 2011-08 was considered and adopted at a duly called council meeting held on the 17th day of August 2011, and at which time a quorum as present and the same as approved by a vote of 16 in favor, 0 opposed, 0 abstained and 4 absent.

CHANDLER SANCHEZ,
Chairman.

Attest:

LEROY ARQUERO,
Secretary/Treasurer.

Pueblo of Acoma, Gov. Vicente; Pueblo of Isleta, Gov. Lujan; Pueblo of Laguna, Gov. Luarkie; Ohkay Owingeh, Gov. Lovato; Pueblo of Pojoaque, Gov. Rivera; Pueblo of San Ildefonso, Gov. Martinez; Pueblo of Santa Ana, Gov. Montoya; Pueblo of Santo Domingo; Pueblo of Tesuque; Pueblo of Zia; Pueblo of Cochiti, Gov. Pecon; Pueblo of Jemez, Gov. Toledo Jr.; Pueblo of Nambe, Gov. Mirabal; Pueblo of Picuris, Gov. Nailor; Pueblo of San Felipe, Gov. Sandoval; Pueblo of Sandia, Gov. Montoya; Pueblo of Santa Clara; Pueblo of Taos; Pueblo of Ysleta del Sur; Pueblo of Zuni.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to another gentleman from Arizona, somebody else who has been involved in this issue for some time, Mr. FRANKS.

Mr. FRANKS of Arizona. I certainly thank the distinguished chairman for yielding.

Mr. Chairman, first let me just congratulate Mr. GOSAR on the introduction and passage of this legislation. He has done an amazing job in helping this legislation get to where it is now, and I have every confidence that he will see it through to the end.

Mr. Chairman, according to a United States Geological Survey report, the United States currently imports over 30 percent of the country's copper demand. And in 2010 alone, domestic copper production decreased by another 5 percent; it decreased by another 5 percent.

And just as relying on foreign oil imports threatens national security, relying on foreign copper suppliers also threatens U.S. industry. We must use domestic resources to meet that growing demand; and this legislation is a major step in the right direction, producing enough copper to meet as much as 25 percent of America's current demand.

The Southeast Arizona Land Exchange and Conservation Act would open up the third largest undeveloped copper resource in the world, creating new American jobs, reducing our dependence on foreign sources of energy

and minerals, and generating tens of billions of dollars in revenue.

Now, in the midst of a prolonged recession, Mr. Chairman, that has hit Arizona very hard, we really cannot afford not to pass this legislation because it so uniformly benefits our labor force, our State and local governments and conservationists who would benefit from much of the high-value land exchange in opening this land to mining.

I would just encourage my colleagues to vote in favor of this bill. It's time that America begins to produce our own energy and our own minerals and to get back on track to being the greatest Nation in the history of the world.

Mr. GRIJALVA. Mr. Chairman, the claim is that this legislation is going to boost the U.S. economy tremendously, but the copper will likely benefit China more than the United States.

Nine percent of Rio Tinto is owned by the state-controlled Aluminum Corporation of China. Rio Tinto has a long-established relationship and at our hearings refused to disclaim what level of exportation they were going to make to China of this copper ore.

At a time when we should focus on U.S. industry supporting that industry, creating jobs here in America, we should not be trading away billions in copper to supply China's needs. This bill doesn't even require that the ore extracted from this mine be processed here, much less that it will be marketed or sold here.

With that, let me yield 3 minutes to the gentleman from California, a member of the Resources Committee, Mr. GARAMENDI.

Mr. GARAMENDI. Thank you, Mr. GRIJALVA, and thank you very much for our friends from Arizona.

Let me just tell you, my family has been in mining since the 1860s, gold mining, which isn't working too well in California right now. And I am not at all opposed to mining copper in Arizona, although there are issues, local, to be dealt with; and I will let that go to another individual. I was deputy Secretary of the Department of the Interior and had the opportunity to deal with appraisals and land transfers.

This bill, as structured, is a bad deal for American taxpayers and for Americans. It basically is an enormous giveaway of extraordinary value to these two companies. As has been mentioned by our colleagues from Arizona who are in support of the bill, this is one of the biggest deposits of copper and other minerals in the United States and quite possibly among the biggest in the world.

What is its value? The mechanism that's used to determine the value of the trade is called a capitalization appraisal, which has to assume the cost, has to make assumptions on the extraction, the cost of extraction, and the amount of ore to be obtained.

There is no way in the appraisal process that that can be done with any accuracy at all.

□ 1400

In the language of the bill, there are certain provisions that make it impossible for the United States Government to go back and do a reappraisal, so we're left with a bad financial deal.

I'm all for the copper mining. It has to be done properly, and environmental views and all that. That's not the issue for me. The issue for me is let's make sure the American public gets the right value out of this, and there's only one way to do it. That is as the ore is extracted. It then has a known quantity and a known value, and a royalty on the ore extracted, that is the material—copper, gold, and other materials—is then known. And if you simply put a royalty on it, then the American people will get its fair share of its property.

This property doesn't belong to Rio Tinto or BHP Billiton; this property belongs to us, Americans.

The CHAIR. The time of the gentleman has expired.

Mr. GRIJALVA. I yield the gentleman an additional minute.

Mr. GARAMENDI. It belongs to us, Americans, and we ought to be getting our full value.

This is not an obscure or new provision. This is the standard procedure. We actually use it for oil extraction, except in deep water. It is something that really will give us the value.

Secondly, and I'll make this very, very short, the equipment used ought to be American made. There's going to be a lot of equipment, a lot of different equipment and material used; let's make that American-made. That's an amendment that will come later. But right now, deal with the royalty issues so that us Americans, all of us, 300 million, will get our share of the extraordinary value that this mine will produce.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. BENISHEK), a member of the Natural Resources Committee whose district has a long mining history.

Mr. BENISHEK. I thank the gentleman for yielding.

Mr. Chairman, I came to the floor to speak in favor of this bill because frankly, I find it hard to believe what I'm hearing from those arguing against it.

Does anyone honestly believe that passing this bill will create jobs only for an army of robots? Are you kidding me? Robots? According to one study, this bill may create as many as 3,000 real jobs for humans.

Mr. Chairman, my district in northern Michigan is a long way from Arizona, but we, too, have a rich history of copper mining. Today, people need copper in their daily lives, and the growing demand means we need more mines, creating more jobs in Arizona and Michigan. My own father was a miner.

Congress needs to demonstrate to the American people that it supports min-

ing jobs and developing our Nation's resources, as this bill does in a way that is both environmentally responsible and culturally respectful.

I urge passage of this bill.

Mr. GRIJALVA. Mr. Chairman, may I inquire how much time remains?

The Acting CHAIR (Mr. LATOURETTE). The gentleman from Arizona has 8 minutes and the gentleman from Washington has 13½ minutes.

Mr. GRIJALVA. Let me, if I may, yield 3 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Chairman, I'm afraid that this bill is another example of the majority having no real jobs agenda. The Republicans are claiming that this bill will create jobs in Arizona. And, of course, our whole country wants more jobs anywhere we can get them. But the truth is no one really knows the exact economic impact of this mine.

The only jobs number that we have to go on are those provided by Rio Tinto, the foreign parent company of Resolution Copper. When this proposal was first developed in 2005, it was reported that the mine would create about 450 jobs. Without any explanation, no data, no analysis, the estimates have skyrocketed to over 1,200 jobs or even 6,000 jobs. That sounds enticing, particularly to a country where we have 10 percent, 9 percent unemployment. But without any data to support it, it just seems like speculation. You could just say it's going to create a gazillion jobs. Why not? Anything to get the deal.

There's no way to know because the numbers are not supported by a mining plan of operations or impartial economic documentation of any kind. This bill is an affront to the National Environmental Policy Act. Under this legislation, by the time any environmental review or accurate job figures are available, the land will already be in private hands. In fact, there is no job requirement in the bill. There is no job requirement in the bill despite the vaunted promises of 6,000 jobs. This bill doesn't include any local jobs requirement from the mining company.

At a time when the whole country is looking to Congress to create much-needed jobs, and we really are vulnerable to any promises of jobs, our colleagues across the aisle should be focusing on creating jobs in America, not just large, vaunted promises that really have no background or substantiation. Our colleagues across the aisle are spending time in this House to create a special interest carve-out for a giant, multinational corporation. It's, by the way, owned by people outside the United States.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to another gentleman from Arizona who has been a longtime supporter of this project, Mr. FLAKE.

Mr. FLAKE. I thank the gentleman for yielding.

You know, listening to the debate, you wonder what bill we're debating

here. The opposition seems to be talking about something completely different. We heard under the rule debate yesterday and some of the debate today that this won't create any jobs in Arizona, that somehow these jobs will go to robots. I mean, come on, this isn't the Jetsons doing this. I have no idea what's being talked about here.

Let me give you a couple of examples of those who are employed currently. There are 500 people currently employed by Resolution on the mine, 500, and 90 percent of them are Arizonans. So 90 percent of the 500 right now. There are an estimated 1,400 jobs directly related to the mine or directly in the mine, and some 3,700 beyond that, ancillary jobs, would come as a result of the mine.

Albo Guzman, he's a local Superior Trading contractor. He has several local employees working for him on this project. He is a person, not a robot.

Jeff Domlin, a Globe-based contractor whose company is doing much of the reclamation work on the project.

Elizabeth Magallanez, she's a long-time resident.

Melissa Rabago, she was actually born in the hospital that was run by the company on the previous mine that her father worked on, the Magma project. That company hospital now serves as project headquarters. Two of her sons work for a Resolution contractor.

Mike Alvarez, third generation from Superior, works as a map technician. These are all real people, not robots. You didn't here me say C3PO or anything like that. So the arguments that we hear coming out of the opposition on this are just complete nonsense about this not creating jobs.

And this talk about royalties; if we want to go in and change the Mining Act of 1872, let's do it. I'll be there. A lot of us have argued for that. But this is not the place to address the Mining Act of 1872. Let's address that when it should be addressed, and let's address the facts at hands. The facts are these: Jobs will be created. This is a great bill. Let's pass it.

Mr. GRIJALVA. I thank my friend Mr. FLAKE.

And you're right; this isn't the Jetsons doing this. I probably would feel a lot more comfortable if that were the case.

Given the time we have left, I will reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I have another speaker coming to the floor; so I will yield myself such time as I may consume.

We have heard some curious arguments on the other side, as my colleagues on this side have pointed out a few times, but let me just talk about a couple of them where there's a charge that this will cost the taxpayers.

We measure what the costs are to the taxpayers of this country by the Congressional Budget Office, the CBO. And CBO, in looking at the land exchange

aspects of this and the other costs associated, have concluded that the cost to the taxpayer is effectively zero. Now that's the official agency that we go by, so when we hear that there's a whole bunch of costs associated with that to the taxpayer, it's simply not so.

What is even more ironic, Mr. Chairman, when they make that argument, they ignore the fact that jobs that will be created here get paid wages. Those wages then will be subjected to tax policies of the Federal Government to where the Federal Government actually gets more revenue. But that is ignored, it seems like all the time, when we hear the other side argue on this issue.

□ 1410

Let me talk about the issue of NEPA because that has been bandied around a few times. The NEPA laws of our country are not changed at all by the passage of this bill, but what we do is we put logic to the process.

Mr. Chairman, as you know very well, our great government was designed to have a dispersion of power. We sit in the legislative branch and we make the policy of this country, and the executive branch carries out that policy. It's been that way since our Republic was founded. All we are saying is that when Congress directs an action—in this case, an action of a land exchange—it shall not be subject to NEPA because we are exercising our authority under the Constitution to direct policy. Why should a NEPA policy be used to slow down a direction that Congress has given? So that's the only part of the NEPA policy that we are affecting in this bill.

Now, I want to say this very explicitly. Under this bill, all NEPA laws as to the construction and the carrying on of this mine will be subject to NEPA laws. And nothing is changed. Nothing is changed. So when people throw around NEPA as one reason why we shouldn't adopt this, that is simply a bogus argument.

Finally, I just want to make one more point here about this being a giveaway. In fact, there are some of my persuasion that may have a bit of heartburn with this because, as a matter of fact, we are giving the Federal Government more land than we are exchanging for private development of this copper land.

Mr. Chairman, I know you've heard the arguments over this in the time you and I have been here, and yet this is something that I think is worthy of support because we do want to make sure that those lands are protected in a way. So to suggest that there's a giveaway here is simply not the case because the exchange is of equal value.

With that, Mr. Chairman, I am very pleased to yield 3 minutes to a former member of the Natural Resources Committee, the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman from Washington for yielding.

Every day in my district in New Mexico, people ask: What's gone wrong with the American economy?

What's gone wrong with the American economy is that the Federal Government spends \$3.6 trillion a year and it brings in \$2.1 trillion a year.

So they ask then: Why are the revenues to the government down? I said: Well, because jobs are down.

They want to know why jobs are down. And I can point to the resistance to this bill and explain why jobs are down.

This is a very commonsense bill. It says we're going to take almost twice as much land and exchange it to a private company, from a private company, would give them half as much land and let them have a copper mine there. The Americans are currently importing about 32 percent of all the copper that we use. This one mine, if the resistance were dropped and were put into operation, would provide 25 percent of the domestic copper demand for the next 50 years.

Why would we be contesting this? I've heard my friend on the other side of the aisle say it's because there are robots working in the mine. The mines I go in—and I will guarantee you this mine is going to be conducted with engineers, with mechanics. It's going to be conducted with blue-collar labor down the hole working in the mine. They've got better machinery than they did a hundred years ago. They're not there working with pick and shovel. But these are real jobs—1,200 to 15,000 jobs long term, and 2,000 to 3,000 construction jobs. It's a \$4 billion increase in our economy and we can't get agreement.

This town talks so much about jobs on both sides of the aisle, and we hear the President moving around the country. I haven't heard the President once come out and say: At least free up these 1,200 jobs. I will sign this jobs package. Instead, he wants to raise taxes to increase jobs. That's his idea.

This is a private investment in a private land where they create a lot of long-term jobs. More than that, they make it self-sufficient.

Now, the price of copper is almost four times what it was 10 years ago. The most recent report is that people are stealing copper bells off of churches and cutting them up and selling them. Copper is in that great a demand and we still find resistance from our friends on the other side of the aisle for creating these jobs, and no one in the American public seems to understand why.

What is this about? It's about agenda politics. It's about saying that we're not going to let any development of resources go in the West. The West has had its timber jobs choked off. It's had its mining jobs choked off. It has resistance to the oil and gas jobs, and there are people who are trying to shut that industry down. They're trying to shut the coal mining jobs down. The West is starving for jobs. In fact, we in

the Western Caucus have recently put out a report highlighting all of the many ways we can create jobs now, called the "Jobs Frontier." I would recommend people go to it. This is one of the bills in the "Jobs Frontier."

I heartily recommend that we pass H.R. 1904.

Mr. GRIJALVA. I yield myself such time as I may consume.

As I indicated, much of the opposition to this legislation is coming from Indian country. All the pueblos in New Mexico have opposed this legislation. The Inter Tribal Council of Arizona is opposed to this legislation. Twenty-six tribes from across the country, including Texas, have opposed this legislation. They see an impact on sacred sites, history, and culture that has not been factored into this discussion, nor have native peoples, particularly those affected nearby in San Carlos. Apaches have been allowed to run what is important, which is the government-to-government consultation.

Just a point. The chairman, my friend from the Natural Resources Committee, mentioned the CBO score for this bill. There are also two points to make. The CBO says this bill could cost the taxpayers up to \$5 billion over 10 years. This cost is not offset. CBO says the payments to government could be significant, but the bill's provisions don't allow CBO to score them accurately.

A straight royalty, for sure, would have certainty and would return what was needed.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I would just respond that CBO also said in their scoring that it's so insignificant, it's hard to measure.

With that, Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Mr. Chairman, this is one of those moments where I ran out of the Financial Services Committee where we were voting because I thought it was important, being an Arizonan, but also spending lots of time in this part of the State, which is a beautiful part of the State. And many of these little communities there have devastating unemployment, and they're literally furious with Washington, D.C., for destroying their timber jobs and squeezing their mining jobs. And then we stand here with something that, for a little State like Arizona, could be billions and billions of dollars of economic growth.

When you think about this one ore deposit could represent 20 percent of the Nation's copper, how can we even be debating this when you also realize an average single-family home uses about 440 pounds of copper? Do you want housing? How about a car? A car uses 55 pounds of copper. This is where it will come from.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. SCHWEIKERT. The last thing I want to say is my good friend Congressman GOSAR from northern Arizona, and actually from all over Arizona, is deserving of a gigantic thank you here. To be a freshman Congressman and to step into this body to deal with what ultimately is sometimes a cantankerous issue but incredibly important to the Nation and the Southwest and to those of us that live in and love Arizona, this is important. This is a lot of jobs, a lot of economic growth. Congressman GOSAR gets a lot of credit for getting it this far.

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Mr. GRIJALVA. May I inquire, Mr. Chairman, how much time each side has?

The Acting CHAIR. The gentleman from Arizona has 3 minutes, and the gentleman from Washington has 5 minutes.

Mr. GRIJALVA. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the sponsor of this legislation, again, somebody who has been absolutely tenacious on this issue, the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. I thank the chairman for yielding.

My legislation shows you can protect the land and the water and have a strong economy with good jobs.

The land exchange will bring into Federal stewardship 5,500 acres of high-priority conservation lands in exchange for the third largest undeveloped copper deposit in the world. I'd like to speak about one in particular.

The 7B Ranch, located in Pinal County, Arizona, is 3,073 acres designated by the Nature Conservancy as one of the last great places on Earth. And the Forest Service testified that this property was "priceless"—and you will get a chance to see some of them.

This area is home to a free-flowing artesian spring-fed wetland populated by lowland leopard frogs, nesting birds, and native fish. In addition, this parcel is recognized by BirdLife International as an "important bird area." These are amazing sites. These have "priceless" as their connotation.

Mr. GRIJALVA. I yield myself such time as I may consume.

Let me just talk about the opposition. It is not only with affection for the State that I grew up in and that I was born in, but it's also for the future of that State, and it's also for the future of important rules and laws that have protected our environment for many years, and to ensure that the jobs that we're talking about are not just a panacea and a selling point as opposed to a reality.

The opposition to this Rio Tinto-Resolution Copper land exchange is based on many factors, but let me just point out two. This is the fourth version of the land exchange. It began with former colleague Renzi, then Mr. PASTOR, Ms. Kirkpatrick, and now my

friend, Mr. GOSAR, from Arizona. They are not the same, none of those. The one major difference is that, with the exception of the legislation before us, the NEPA process, the ESI, the consultation all occurred before the land exchange, not after. Once we do that process, if something comes up that needs compliance and mitigation, it becomes subject to the private property owner—a foreign company that will now have this public land—to deal with that question, serious compliance issues, and legal issues.

The other point is the water. Twelve years have already been banked of the 20 that the mine would need in order to operate. The point being, and protecting oak flats and other important areas of the water supply for the region, that seems like a significant number. But to bank water for this project on the outskirts of Phoenix does nothing to mitigate the potential usage of water, the potential drain of water in those three aquifers in that region, and the effect that it would have. NEPA would tell us what that effect would be. A full study would tell us what effect it is. But we're not having that done. So the consequence is that we're working on supposition, and I think supposition on this major land exchange is a huge mistake. We cannot afford unintended consequences with this land deal.

And a full and open process. If we would have done that at the initiation with the Renzi bill almost 8 years ago, we would be through that process many, many years ago; and we would be perhaps talking about a differently crafted piece of legislation. We aren't doing that.

And the last thing is, there is something sacred and spiritual about this as well. Native people are not just complaining because they want to complain. They are legitimately saying that we need to have consultations, there should be full studies, and factored into the decisionmaking must be the historical and cultural and religious sacred areas that we need protected and ensured that they will be protected. Those discussions have not occurred.

H.R. 1904 is a land giveaway. And the gentleman from New Mexico said why our economy is in a bad place. Well, this kind of legislation tells you why. It is a sweetheart deal for a multinational corporation foreknown. It gives them breaks.

Mr. PEARCE. Will the gentleman yield?

Mr. GRIJALVA. I have 3 minutes, and I will be glad to as soon as I have finished my summation, if I have time, sir.

But let me go over the points. This is a job for robots. I know it's a touchy term for my colleagues on the other side of the aisle, but the reality is Rio Tinto is a pioneer in automation. They've done it in Australia; they've done it in other parts of the world. There is no reason to believe that that

same pattern is not going to be applied to the mine that they own in Resolution.

The sucking sound that we will be hearing will be the loss of water levels in that area and the effect it will have. And it's a copper caper, using unusual appraisal procedures which does not guarantee that the company is going to pay any fair price for the billions of dollars of copper they stand to receive from the American people.

Like I said earlier, something has to be sacred. H.R. 1904 trades away many sites that are sacred to Native people. We've received pleas from Indian Country over and over again; and we should deal with those issues before the land exchange, not as this legislation has it, after.

Add insult to injury, we keep talking about jobs. There is an agenda before this Congress to begin to immediately create jobs for the American people. That is stalled—and from what I hear from leadership, permanently derailed. So as the American people look for real employment and real opportunity, we present a false hope in this legislation, something that hasn't been vetted.

I urge opposition to the legislation, and I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 2 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I just want to make two points in concluding debate before we go into the amendment process.

A reference was made to NEPA, and I responded to that just a bit earlier where I simply said that there is a division of powers. And we are making an action. With passage of this legislation signed into law by the President, we have said that there will be a land exchange. That's the policy of the country. Now, anything that happens on that land after the exchange has happened is subject to NEPA review. I have absolutely no problem with that and nothing in this bill changes that process.

The second point I would want to make is on the issue of creation of jobs. Honestly, when you hear the debate here on the floor on this issue, that's probably emblematic of the debate that has been going on in this Congress since day one. Apparently, the other side thinks that the only way you can create jobs is raising taxes and expanding the public sector. We believe that the best ways to create jobs and grow our economy are based on the principles that have gotten the United States from where we were when the Republic was created until now, by relying on the private sector. This is a private sector investment on lands that create a tremendous amount of wealth. This is a job creator, and I think that this bill deserves passage.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. BACA. Mr. Chair, I rise today to voice my strong opposition to H.R. 1904, a bill that

would authorize a land exchange in the state of Arizona.

The lands impacted by this legislation contain many sites that are sacred to our Nation's first peoples.

We in Congress have a responsibility to protect the rights of our tribes to conduct religious ceremonies, and use their sacred sites. Unfortunately, H.R. 1904 disregards this obligation.

Previously, Congress passed the Native American Graves Protection and Repatriation Act, NAGPRA, to protect the sacred sites of tribes. H.R. 1904 is a direct violation of the rights afforded to tribes by NAGPRA.

Both Presidents Eisenhower and Nixon worked to ensure the lands in question were protected and available for tribes to worship. H.R. 1904 would reverse these past efforts.

To make matters worse, the legislation does not give the land in question to an American-based company that would reinvest its profits here in the United States.

Instead H.R. 1904 gives control of the land to foreign owned mining corporations.

I urge my colleagues to ensure the religious rights of our Nation's first peoples are respected in the Southwest, and vote no on H.R. 1904.

Mr. BLUMENAUER. Mr. Chair, today I voted against H.R. 1904, legislation to give public lands away to a mining company without an environmental review, without an independent appraisal of the value of the land and the copper beneath it, and which waived all the safeguards applied to other mining projects.

To the San Carlos Apache Tribe and other Tribes that live nearby, these lands are sacred. In addition to the environmental devastation, mining will devastate their relationship to this land. The Apache Treaty of 1852 requires the U.S. to act to secure the permanent prosperity and happiness of the Apache people. Instead, this bill facilitates the destruction of their sacred land. This bill requires consultation with tribes only after the exchange, which makes that consultation a mere formality.

This bill will not create American jobs to help us out of this recession. Any jobs will not begin for years—and most of the mining will be done by machines deep underground. Rio Tinto has stated the mine will be operated through its "Mine of the Future" program, which is heavily automated, saving the company money by avoiding job creation.

This legislation undermines basic protections of our public lands, and arguments to the contrary are incorrect and misleading.

For instance, the legislation does not require any independent evaluation of the value of the exchange at any time, taking the Rio Tinto's word for the value of the land, the copper beneath it, and the impacts mining will cause to the land, water resources, ecosystems, and stability of the landscape. The Act exempts Rio Tinto from requirements for bonding and clean-up of the mining project, leaving taxpayers with the bill for the inevitable clean-up.

Even more misleading, the legislation does require the appearance of compliance with NEPA, but only after the exchange has taken place, which is too late to be any more than a formality. The Secretary will have to prepare a single Environmental Impact Statement, which will be the basis for all future decisions under applicable Federal laws and regulations, but only after the exchange, with no discretion after completion of the EIS. The Act prohibits the Secretary from considering alternatives to

specific mining activities, including alternatives that would preserve cultural sites, and requires the Secretary to issue permits for mineral exploration within 30 days of enactment of the act. The Act requires Rio Tinto to submit a plan of operations, but does not allow the Secretary to reject the plan, even if it is insufficient to conduct even a limited review.

Lastly, there are no provisions to protect the water supplies in the region from large-scale depletions from mining operations or contamination. There are no protections for groundwater resources under the San Carlos Apache Reservation, which is protected by the Apache Treaty of 1872 and the San Carlos Apache Tribe Water Rights Settlement Act of 1992.

The Act bypasses all normal administrative processes that other mining companies are required to follow. This bill amounts to a land giveaway to a company without a promise of American jobs anytime soon.

Mr. KILDEE. Mr. Chair, I rise today to express my outrage and disappointment about the bill before us, H.R. 1904.

In my 36 years in Congress I have seen many terrible bills, but this legislation stands out as among the worst. In one fell swoop, this legislation tramples on the rights of Indian tribes, damages our environment and cheats American taxpayers.

Mr. Chair, this legislation is, quite simply, a travesty. It authorizes a land exchange giving Resolution Copper, the subsidiary of two foreign companies, the right to mine potentially billions of dollars worth of copper from American land. In return, the American people receive nothing, except the loss of our resources and damage to our land.

My friends on the other side of the aisle like to talk local and state rights, yet this legislation completely ignores the rights and sovereignty of local Indian tribes. Mr. Chair, a large portion of the proposed mine is considered sacred to local Indians. Tribes, nations, pueblos and communities in Arizona, New Mexico, and across the country adamantly oppose this transfer; however, H.R. 1904 ignores these concerns, going so far as to waive federal statutes that require timely consultation with affected tribes. Resolution Copper claims that they can mine the land without disturbing these sites, a ridiculous assertion that is at best naive and at worst, an outright lie.

Mr. Chair, many of us have fought long and hard to protect Indian land and constitutionally retained rights. Over the years we have strived to improve the government to government relationship between the U.S. and Tribal Nations and I am proud of the progress we have made. For this legislation to turn over rights to sacred Indian lands to a foreign mining company, over the clear protests of Indian people is outrageous and would be a shameful step in the wrong direction for U.S.-Tribal relations.

We have no idea how the local environment and water resources would be affected, because no impact analysis would be done until after the transfer. Resolution Copper is estimating they will need as much water as the entire city of Tempe on a yearly basis. It does not take significant analysis to know that this could have potentially devastating impacts on local water resources.

And what does our country get in return for all of this damage? Nothing. Resolution Copper has estimated the mine to be worth several billions of dollars, yet H.R. 1904 does not

require any royalties to be paid to the American taxpayer. Once they have taken our copper, it can be shipped overseas to be processed and utilized. First it was our jobs, now it's our natural resources. And there are no guarantees that there will be any significant local job impacts.

There are so many things wrong with this legislation that it is hard to even mention them all. It is a disgrace that we are debating this ill-conceived and destructive bill and I urge all my colleagues to vehemently oppose it.

Mr. VAN HOLLEN. Mr. Chair, the land swap in today's legislation would grant two of the world's largest, foreign-owned mining companies—Rio Tinto and BHP Billiton—mining rights to 760 acres of the Tonto National Forest in Southeastern Arizona in exchange for other land the companies currently own. This exchange is necessary for Rio Tinto and BHP Billiton to gain access to significant copper deposits they believe lie underneath the land in the Tonto National Forest.

Mr. Chair, I am not opposed to responsible domestic energy and mineral production—but I am strongly opposed to this majority's complete disregard for our environmental laws and this legislation's failure to ensure American taxpayers get full value for the resources at issue in this proposed transaction.

Specifically, H.R. 1904 would exempt this land swap from the requirements of the National Environmental Protection Act—a law specifically designed to evaluate the impacts of proposed actions on our natural resources before public resources are sold to private interests. The value of a thorough NEPA analysis is especially significant in this case, where unanswered questions about the water demands of the proposed mining operation are especially consequential to the surrounding community. Furthermore, as we work to reduce our national debt, I believe taxpayers have a right to fair compensation for resources taken from public lands, something the convoluted appraisal process called for in H.R. 1904 will almost certainly fail to do.

Mr. Chair, if this land swap is truly in the interests of the American people, it has nothing to fear from an appropriate environmental review and should be expected to fairly compensate the American taxpayer for the value of the resources taken from their land.

I urge a no vote.

Mrs. MALONEY. Mr. Chair, I rise today to express my opposition to H.R. 1904, a bill that would transfer 2,400 acres of federal lands in Southeast Arizona to a private copper mining company. There has not been a thorough geological review to assess the impact of mining on water resources or the surrounding communities and ecosystems. Furthermore, the bill includes no protections or consideration for native American tribes.

Since coming to Congress I have fought to ensure that American taxpayers are properly reimbursed for resources like oil and gas extracted from federal lands. This bill does nothing to appropriately compensate American citizens and would instead give a single multinational corporation the benefit from one of the largest copper deposits in the world. Even more astonishing, the corporation benefitting from copper resources cannot guarantee that the copper will stay in America or that the mine will remain American owned.

This bill sets a dangerous precedent with regard to environmental review and resource

oversight. The Majority continues to fight against preserving our nation's natural resources with legislation that destroys the environment in favor of big corporations. I urge a no vote.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 112-258. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Southeast Arizona Land Exchange and Conservation Act of 2011”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purpose.

Sec. 3. Definitions.

Sec. 4. Land exchange.

Sec. 5. Conveyance and management of non-Federal land.

Sec. 6. Value adjustment payment to United States.

Sec. 7. Withdrawal.

Sec. 8. Apache leap.

Sec. 9. Conveyances to town of Superior, Arizona.

Sec. 10. Miscellaneous provisions.

SEC. 2. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds that—

(1) the land exchange furthers public objectives referenced in section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) including—

(A) promoting significant job and other economic opportunities in a part of the State of Arizona that has a long history of mining, but is currently experiencing high unemployment rates and economic difficulties;

(B) facilitating the development of a world-class domestic copper deposit capable of meeting a significant portion of the annual United States demand for this strategic and important mineral, in an area which has already been subject to mining operations;

(C) significantly enhancing Federal, State, and local revenue collections in a time of severe governmental budget shortfalls;

(D) securing Federal ownership and protection of land with significant fish and wildlife, recreational, scenic, water, riparian, cultural, and other public values;

(E) assisting more efficient Federal land management via Federal acquisition of land for addition to the Las Cienegas and San Pedro National Conservation Areas, and to the Tonto and Coconino National Forests;

(F) providing opportunity for community expansion and economic diversification adjacent to the towns of Superior, Miami, and Globe, Arizona; and

(G) protecting the cultural resources and other values of the Apache Leap escarpment located near Superior, Arizona; and

(2) the land exchange is, therefore, in the public interest.

(b) **PURPOSE.**—It is the purpose of this Act to authorize, direct, facilitate, and expedite the ex-

change of land between Resolution Copper and the United States.

SEC. 3. DEFINITIONS.

In this Act:

(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 section 5(a) and, if necessary to equalize the land exchange under section 4, section 4(e)(2)(A)(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 entitled “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.

SEC. 4. LAND EXCHANGE.

(a) **IN GENERAL.**—Subject to the provisions of this Act, 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.

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

(1) 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

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

(c) **CONSULTATION WITH INDIAN TRIBES.**—If not undertaken prior to enactment of this Act, within 30 days of the date of enactment of this Act, the Secretary shall engage in government-to-government consultation with affected Indian tribes concerning issues related to the land exchange, in accordance with applicable laws (including regulations).

(d) **APPRAISALS.**—

(1) **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.

(2) **REQUIREMENTS.**—

(A) *IN GENERAL.*—Except as provided in subparagraph (B), an appraisal prepared under this subsection 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.

(B) *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.

(C) *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.

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

(3) *APPRAISAL INFORMATION.*—The appraisal prepared under this subsection 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 section 6.

(e) *EQUAL VALUE LAND EXCHANGE.*—

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

(2) *SURPLUS OF FEDERAL LAND VALUE.*—

(A) *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 Act 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 clauses (i) and (ii), as agreed to by Resolution Copper, the Secretary, and the Secretary of the Interior.

(B) *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 (42 U.S.C. 1716(b)).

(C) *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, in such amounts as are provided in advance in appropriation Acts, to the Secretary for the acquisition of land for addition to the National Forest System.

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

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

(B) except as provided in section 9(b)(2)(B), the surplus value of the non-Federal land shall be considered to be a donation by Resolution Copper to the United States.

(f) *OAK FLAT WITHDRAWAL AREA.*—

(1) *PERMITS.*—Subject to the provisions of this subsection and notwithstanding any with-

drawal 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—

(A) 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

(B) 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.

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

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

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

(1) associated with the land exchange and any environmental review document under subsection (j); and

(2) agreed to by the Secretary.

(h) *USE OF FEDERAL LAND.*—The Federal land to be conveyed to Resolution Copper under this Act 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.

(i) *INTENT OF CONGRESS.*—It is the intent of Congress that the land exchange directed by this Act shall be consummated not later than one year after the date of enactment of this Act.

(j) *ENVIRONMENTAL COMPLIANCE.*—Compliance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under this Act shall be as follows:

(1) Prior to commencing production in commercial quantities of any valuable mineral from the Federal land conveyed to Resolution Copper under this Act (except for any production from exploration and mine development shafts, adits, and tunnels needed to determine feasibility and pilot plant testing of commercial production or to access the ore body and tailing deposition areas), Resolution Copper shall submit to the Secretary a proposed mine plan of operations.

(2) The Secretary shall, within 3 years of such submission, complete preparation of an environmental review document in accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4322(2)) which shall be used as the basis for all decisions under applicable Federal laws, rules and regulations regarding any Federal actions or authorizations related to the proposed mine and mine plan of operations of Resolution Copper, including the construction of associated power, water, transportation, processing, tailings, waste dump, and other ancillary facilities.

SEC. 5. CONVEYANCE AND MANAGEMENT OF NON-FEDERAL LAND.

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

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

(A) 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-Fed-

eral Parcel–Turkey Creek” and dated March 2011;

(B) 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;

(C) 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;

(D) 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

(E) 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

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

(A) 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;

(B) 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

(C) 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.

(b) *MANAGEMENT OF ACQUIRED LAND.*—

(1) *LAND ACQUIRED BY THE SECRETARY.*—

(A) *IN GENERAL.*—Land acquired by the Secretary under this Act 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.

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

(C) *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.

(2) *LAND ACQUIRED BY THE SECRETARY OF THE INTERIOR.*—

(A) *SAN PEDRO NATIONAL CONSERVATION AREA.*—

(i) *IN GENERAL.*—The land acquired by the Secretary of the Interior under subsection (a)(2)(A) 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.

(B) *DRIPPING SPRINGS.*—Land acquired by the Secretary of the Interior under subsection (a)(2)(B) 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.

(C) **LAS CIENEGAS NATIONAL CONSERVATION AREA.**—Land acquired by the Secretary of the Interior under subsection (a)(2)(C) 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.

(c) **SURRENDER OF RIGHTS.**—In addition to the conveyance of the non-Federal land to the United States under this Act, and as a condition of the land exchange, Resolution Copper shall surrender to the United States, without compensation, the rights held by Resolution Copper under the mining laws and other laws of the United States to commercially extract minerals under Apache Leap.

SEC. 6. VALUE ADJUSTMENT PAYMENT TO UNITED STATES.

(a) **ANNUAL PRODUCTION REPORTING.**—

(1) **REPORT REQUIRED.**—As a condition of the land exchange under this Act, 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 section 4. 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.

(2) **SHARING REPORTS WITH STATE.**—The Secretary shall make each report received under paragraph (1) available to the State.

(3) **REPORT CONTENTS.**—The reports under paragraph (1) shall comply with any record-keeping and reporting requirements prescribed by the Secretary or required by applicable Federal laws in effect at the time of production.

(b) **PAYMENT ON PRODUCTION.**—If the cumulative production of valuable locatable minerals produced in commercial quantities from the Federal land conveyed to Resolution Copper under section 4 exceeds the quantity of production of locatable minerals from the Federal land used in the income capitalization approach analysis prepared under section 4(d)(3), 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 section 4(d)(3).

(c) **STATE LAW UNAFFECTED.**—Nothing in this section 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.

(d) **USE OF FUNDS.**—

(1) **SEPARATE FUND.**—All funds paid to the United States under this section 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 paragraph (2).

(2) **AUTHORIZED USE.**—Amounts in the special fund established pursuant to paragraph (1) shall be used for maintenance, repair, and rehabilitation projects for Forest Service and Bureau of Land Management assets.

SEC. 7. WITHDRAWAL.

Subject to valid existing rights, Apache Leap and any land acquired by the United States under this Act 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.

SEC. 8. APACHE LEAP.

(a) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage Apache Leap to preserve the natural character of Apache Leap and to protect archeological and cultural resources located on Apache Leap.

(2) **SPECIAL USE PERMITS.**—The Secretary may issue to Resolution Copper special use permits allowing Resolution Copper to carry out underground activities (other than the commercial extraction of minerals) under the surface of Apache Leap that the Secretary determines would not disturb the surface of the land, subject to any terms and conditions that the Secretary may require.

(3) **FENCES; SIGNAGE.**—The Secretary may allow use of the surface of Apache Leap for installation of fences, signs, monitoring devices, or other measures necessary to protect the health and safety of the public, protect resources located on Apache Leap, or to ensure that activities conducted under paragraph (2) do not affect the surface of Apache Leap.

(b) **PLAN.**—

(1) **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 Apache Leap.

(2) **CONSIDERATIONS.**—In preparing the plan under paragraph (1), the Secretary shall consider whether additional measures are necessary to—

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

(B) provide access for recreation.

(c) **MINING ACTIVITIES.**—The provisions of this section 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.

SEC. 9. CONVEYANCES TO TOWN OF SUPERIOR, ARIZONA.

(a) **CONVEYANCES.**—On request from the Town and subject to the provisions of this section, the Secretary shall convey to the Town the following:

(1) 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.

(2) 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.

(3) 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.

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

(c) **SISK ACT.**—Any payment received by the Secretary from the Town under this section 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, in such amounts as are provided in advance in appropriation Acts, to the Secretary for the acquisition of land for addition to the National Forest System.

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

SEC. 10. MISCELLANEOUS PROVISIONS.

(a) **REVOCACTION OF ORDERS; WITHDRAWAL.**—

(1) **REVOCACTION 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.

(2) **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 section 4 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—

(A) on the date of consummation of the land exchange; or

(B) 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)).

(3) **RIGHTS OF RESOLUTION COPPER.**—Nothing in this Act 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.

(b) **MAPS, ESTIMATES, AND DESCRIPTIONS.**—

(1) **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 Act.

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

(3) **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 Act.

The Acting CHAIR. No amendment to the amendment in the nature of a substitute is in order except those printed in part B of the report. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. LUJÁN

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 112-258.

Mr. LUJÁN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 14, after line 12, insert the following new subsection:

(k) **EXCLUSION OF NATIVE AMERICAN SACRED AND CULTURAL SITES.**—The Federal land to

be conveyed under this section may not include any Native American sacred or cultural site, whether surface or subsurface, and the Secretary shall modify the map referred to in section 3(2) to exclude all such sacred and cultural sites, as identified by the Secretary in consultation with Resolution Copper and affected Indian tribes.

The Acting CHAIR. Pursuant to House Resolution 444, the gentleman from New Mexico (Mr. LUJÁN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. LUJÁN. I yield myself such time as I may consume.

Mr. Chairman, my amendment is significant, but simple. My amendment does not kill this project. As offered, it simply asks the Congress to respect the religious and sacred sites of our tribal brothers and sisters.

This bill does little, if anything, to offer protection to the sacred sites in the area and does not offer true tribal consultation to the tribes. We all know that consultation occurs before, not after, decisions have already been made.

The tribes in this area believe Resolution Copper's block cave mining method will have negative impacts on their sacred, cultural, and traditional sites in the area.

□ 1430

Again, this amendment will not kill this project. It would show respect and offer protections to both surface and subsurface sites in the proposed land conveyance.

More specifically, my amendment states that "The Federal land to be conveyed may not include any Native American sacred or cultural site, whether surface or subsurface." This amendment would merely offer a basic level of respect for many religious and cultural sites to the many tribes in the region.

As our good friend, Congressman KILDEE, reminds us daily, we have a trust responsibility to our tribal brothers and sisters, and those who oppose this responsibility will dismantle it piece by piece with a scalpel and not all at once with an axe. This is what we're seeing today, Mr. Chairman.

In its current form, H.R. 1904 would approve a Federal land exchange to transfer ownership of 2,400 acres of land in the Tonto National Forest to Resolution Copper for the purposes of block cave copper mine.

The Federal lands which are proposed to be exchanged, generally known as Oak Flat, are part of the ancestral lands of the San Carlos Apache tribe and other tribes in the region. These lands have unique religious, traditional, and archaeological significance to many tribes in southern Arizona. Behind me is a photo of one of those areas that's most sacred, Apache Leap.

You've heard from my colleagues on the other side of the aisle that their bill offers protection for sacred, traditional, and cultural sites in the pro-

posed area to be exchanged, but I don't believe that to be true. If it were true, then why is every major tribal organization in the country opposing this bill?

It's because they do not believe these so-called protections to be real. Opposing organizations include, but are not limited to, the National Congress of American Indians, the United South and Eastern Tribes, the All Indian Pueblo Council of New Mexico, the San Carlos Apache Tribe, the Jicarilla and Mescalero Apache Tribes of New Mexico, and many other tribes across the country.

Mr. Chairman, all of these organizations and tribal leaders know that the degradation of these cultural sites means a loss of identity and culture, not to mention utter disrespect for the religion and history of the tribes connected to this area.

Just to be clear: Supporting my amendment will not kill the project. It would simply mean respecting and preserving the religious, cultural, and archaeological and historic significance of the lands that mean so much to the tribes in the region.

I urge my colleagues to support my amendment, and I reserve the balance of my time.

Mr. HASTINGS of Washington. I claim time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, when I became chairman of the Committee on Natural Resources this last January, I established a new subcommittee on Indian and Alaska Native Affairs. The purpose was to ensure a special forum for the issues and concerns important to Indian tribes and native people. I respect the views and special concerns of Indian tribes, and it's important that they have a role and are consulted in decisions that affect the people on their reservation lands.

This bill before the House today explicitly includes a section requiring government-to-government consultation. Section 4c, Mr. Chairman, of the bill is titled, and I quote, "Consultation with Indian tribes." Consultation must occur before the mine operations ever begin.

To repeat, the mine cannot happen without consultation with interested tribes. To be clear, the mine is a site that is not located on reservation land. The closest Native American reservation is the San Carlos Apache, located more than 20 miles east of the mine site.

And it should be noted too that where this mine is proposed to be developed is right in the heart of what we call Arizona's historic copper triangle right here. These orange dots here are where copper is mined or quarried right now. This is the proposed site of the mine. And the San Carlos Apache reservation is up here. As you can see, there's activity between here and the San Carlos reservation.

The real effect of this amendment would be to allow the Department Secretary to veto and block the project on the subjective grounds that a previously identified cultural site exists on these lands. As stated previously, this is a geographic triangle that's historically home to numerous mines.

I might add too, Mr. Chairman, the Forest Service completed an environmental assessment in 2008, 3 years ago, in which, and I quote, "several attempts were made to identify sacred sites and effects on ceremonial use of sacred sites." The official conclusion was a Finding of No Significant Impact, and that finding was sustained on appeal.

Furthermore, the terms "Native American," "sacred," and "cultural" in the amendment offered by my friend from New Mexico are undefined, and thus it cannot be predicted what effect this amendment would have. It opens the door to time-consuming litigation and subjective or political decisions.

In the land exchange within the bill, environmentally sensitive and culturally important lands are given protection. Thousands of more acres, as I alluded to earlier on, are added for the protection than are made available for the development of this mine; the ratio is roughly 2-1. The bill specifically and permanently, for example, protects Apache Leap.

Because this bill ensures and requires tribal consultation before development of the mine and because the real effect of the amendment would be for political mischief, I urge my colleagues to vote "no" on the Luján amendment.

HARRISON TALGO, Sr.,
Bylas, AZ, October 21, 2011.

Hon. ERIC CANTOR,
House of Representatives,
Washington, DC.

DEAR MAJORITY LEADER CANTOR: I am the former Chairman of the San Carlos Apache Nation and served in the Tribal Council for 16 years. Many times I have come before Congress as an official representative of my government to present issues affecting and in the best interest of the San Carlos Apache Tribal Government. But today I write to you as a concerned private citizen of Bylas, Arizona which is located within the San Carlos Apache Tribal Reservation and want to express my support of H.R. 1904, The Southeast Arizona Land Exchange and Conservation Act of 2011.

The current Tribal leadership does not share my position. I have tried very hard to understand why they oppose this project when we are in such desperate need of jobs and industry. I believe that traditional Apache values are not mutually exclusive with economic development.

We are one of the poorest Indian tribes in the nation. Seven in 10 eligible workers in the Tribe are unemployed. Almost 80 percent of our people live in poverty. Alcoholism and drug use are rampant and suicide rates are high. The average Apache male has a life expectancy of 54 years, about 20 years shorter than the average American male.

The proposed Resolution Copper Mine would bring hundreds of new, high-paying jobs to our region. It represents progress and hope and prosperity.

I have previously testified before Congress in support of economic development

projects. I have done so in the face of opposition from other leaders who have opposed these same opportunities on and near the reservation. Some of those projects experienced costly delays as a result of the Council's opposition, but they all were built eventually. And to our benefit, they have all hired Apaches. I am confident the Resolution project will be no different. In fact, some members of the San Carlos Apache Nation are already employed by the company and its contractors.

I respect the Council's desire to protect sites that have cultural or historical significance. I want that, too. But Oak Flat is a long way from us, and I believe strongly that it is possible for our traditional values to co-exist with economic progress. In fact, I don't believe one can survive without the other. Economic progress and prosperity leads to a better standard of living, better health, better services and better education. It increases our capacity to learn and expands our cultural horizons. It gives us additional resources to explore and study our past, to protect what we hold sacred, to showcase and display those things that are culturally important, and to help the outside world better understand and appreciate the stories and traditions of our fathers.

For all these reasons, I respectfully urge your support and passage of the H.R. 1904.

Sincerely,

HARRISON TALGO, Sr.,

Former Chairman, San Carlos Apache Nation.

I reserve the balance of my time.

Mr. LUJAN. I yield myself such time as I may consume.

Mr. Chairman, look, just to be clear with this amendment, it does not kill the project. The amendment simply states that the Secretary will exclude sacred and cultural sites as identified by the Secretary. If we're serious about protecting sacred sites and respecting tribes across the country, I don't know why this is so complicated.

And the only area in the legislation, as we look at section 8 of the bill, talks about preserving and consulting with tribes about Apache Leap. But again, it's too little, too late. It's consulting after the fact, not before the legislation is taken into effect.

And so, Mr. Chairman, it's as if we were going to go into a site, say, the cathedral in Santa Fe or the Vatican in Rome, and they were going to go and do something to that land, and they said, well, don't worry, we have some other land that we're going to give you.

It's about the religious and sacred nature of these sites that we're talking about. At the very least, and of its very essence, let's look to see what we can do to preserve the government-to-government trust responsibilities that we have with our tribes and respect those religious sites, respect those sacred sites, and see what we can do to work collectively.

Again, this isn't going to kill the project. Let's work together to make sure that we respect the tribes that we're so honored to represent here in the Congress.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 45 seconds to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Thank you, Mr. Chairman.

If the gentleman from New Mexico would answer a question, it's my understanding that we have rock climbers who are always out there, hikers up in there. That would be the equivalent of allowing people to rappel down the side of the Washington Monument, but I've never heard an objection from anyone to exclude those kinds of activities. And so it comes across just a little bit strange that we would talk about limiting one activity, while people are crawling and rappelling down these sites already.

Mr. HASTINGS of Washington. Mr. Chairman, I understand the other side has yielded back their time.

How much time do I have left?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. HASTINGS of Washington. I am more than happy to yield that 1 minute to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Chairman, I find it very interesting that my opponent, or our opponent on the other side, actually focuses a picture of Apache Leap, which is specifically excluded from this legislation. Therefore, when we talk about, in regards to protecting the sites, we have done so. As far as the consultation is concerned, we have done consultations.

Mr. LUJAN. Will the gentleman yield?

Mr. GOSAR. No, I will not yield.

Mr. LUJAN. Mr. Chairman, we know that that's not in here.

Mr. GOSAR. That is Apache Leap.

The Acting CHAIR. The time is controlled by the gentleman from Arizona, and the Chair would ask all Members to respect that.

Mr. GOSAR. The point of reference is that we cite all the Native tribes. They are far from being in unison. In fact, during our conversation within the Resources Committee, former tribal chairman and 16-year tribal Councilman Harrison Talgo testified that the traditional Apache values are not mutually exclusive with economic development.

Given that the San Carlos Apache is one of the most impoverished tribes in the Nation, with unemployment rates around 70 percent and poverty affecting every facet of tribal members' life, I couldn't agree more with Mr. Talgo.

Mr. Talgo also points out that Oak Flat, the campground in question, is a long way from the reservation. He also pointed out the majority of tribal members he speaks about in this project support this project.

Ms. RICHARDSON. Mr. Chair, as a member of the Native American Caucus, I rise today in strong support of the amendment to H.R. 1904, the Southeast Arizona Land Exchange and Conservation Act of 2011, offered by Congressman LUJAN of Arizona.

The Luján Amendment exempts Native American sacred and cultural sites from inclusion in the land transfer proposed by this bill.

As it stands, H.R. 1904 is fundamentally unfair to the San Carlos Apache Tribe and other

tribes in the region, who have inhabited this land for thousands of years. This bill waives compliance with federal statutes that require timely consultation with affected tribes, who now face the prospect of witnessing their ancestral lands of unique archaeological and religious significance fall victim to destructive mining practices.

These techniques involve utilizing controlled cave-in deep underground, which can cause massive depressions at the surface and forever scar the landscape. Archaeological sites and religious lands would be forever ruined and unrecognizable.

Other surveys have identified Civilian Conservation Corps sites and structures eligible for inclusion in the National Register for Historic Places which could also be destroyed by the proposed mining project.

Mr. Chair, H.R. 1904 has been called a "special-interest" bill whereby a private company, Resolution Copper, which is actually a joint subsidiary of two foreign-owned mining companies. Resolution Copper would receive federal land worth billions of dollars without having to pay royalties on any mineral wealth it extracts.

Furthermore, there are no guarantees that the company would even hire locally, process the ore in the United States, or purchase equipment made in America.

H.R. 1904 excludes the one special interest with an undeniable right in this debate—the Native American tribes—from a decision that affects their community at the absolute deepest level.

I strongly support the Luján Amendment and oppose the underlying bill. I urge my colleagues to do the same.

□ 1440

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. LUJAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. LUJAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 112-258.

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 19, beginning line 8, strike section 6 (value adjustment payment to United States) and insert the following new section:

SEC. 6. ROYALTY PAYMENT TO UNITED STATES FOR MINERALS PRODUCED FROM CONVEYED FEDERAL LAND.

(a) ROYALTY PAYMENT REQUIRED.—As a condition of the land exchange under this Act, Resolution Copper shall pay to the United States, by not later than March 15 of each calendar year, a royalty payment in an amount equal to 8 percent of the value of the quantity of locatable minerals produced during the preceding calendar year from the

Federal land conveyed to Resolution Copper under section 4, as reported under subsection (b).

(b) ANNUAL PRODUCTION REPORTING TO DETERMINE ROYALTY PAYMENT.—

(1) REPORT REQUIRED.—Resolution Copper shall submit to the Secretary of the Interior an annual report indicating the quantity of locatable minerals produced in commercial quantities from the Federal land conveyed to Resolution Copper under section 4.

(2) SUBMISSION DEADLINE.—The first report under paragraph (1) shall 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 the Federal land conveyed to Resolution Copper under section 4 and cover the preceding calendar year. Subsequent reports shall be submitted each February 15 thereafter and cover the preceding calendar year.

(3) SHARING REPORTS WITH STATE.—The Secretary shall make each report received under paragraph (1) available to the State.

(4) REPORT CONTENTS.—The reports under paragraph (1) shall comply with any record-keeping and reporting requirements prescribed by the Secretary or required by applicable Federal laws in effect at the time of production.

(c) DEPOSIT OF FUNDS.—All funds paid to the United States under this section shall be deposited in the general fund of the Treasury.

(d) STATE LAW UNAFFECTED.—Nothing in this section 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.

The Acting CHAIR. Pursuant to House Resolution 444, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, there are two versions of this land bill: one with the Markey amendment and one without the Markey amendment. The difference is the version with the Markey amendment is a deal the American taxpayers should take. Without my amendment, this is a deal that takes the taxpayers.

Without the Markey amendment, this land deal is a shell game, all about misdirection and surprise outcomes. We are urged to keep our eye on the beautiful surface across the Federal Government would get in this deal and the unique payment scheme included in the bill. This is like the guy on the street who tells you to watch his right hand while his left hand is picking your pocket.

This is not about the surface. This is about the copper and whether Rio Tinto will have to pay its fair value. And the fact is the payment scheme in this bill is completely—let me say it again—the payment scheme in this bill is completely speculative. It will be based on information only the company has access to and is subject to serious manipulation.

In the end, Rio Tinto could end up paying absolutely nothing for the massive windfall they stand to receive from this legislation. With the Markey

amendment, this bill is simple. It would require no guesswork on the part of the taxpayers. It would allow for no manipulation that could shortchange the American taxpayer.

My amendment strikes the convoluted payment scheme in this bill and replaces it with a simple 8 percent royalty on the copper produced each year from this mine. This is the American people's copper. It's not their copper. It's the American people's. What are they going to get out of this? How about 8 percent? Can we give the taxpayer 8 percent?

Now, we don't know how much copper exactly is down there. The benefit of my amendment is we don't need to know ahead of time. If Rio Tinto makes \$1, then they owe the taxpayer a nickel and three pennies, and if they make \$8 billion, the Treasury gets \$640 million.

Now, the company will argue a royalty is unfair. Well, guess who is already paying royalties, Mr. Chairman. Oil and gas companies pay 12.5 percent when they drill on the taxpayers' land. 12.5 percent, that's what ExxonMobil pays. That's what Shell pays. But do you know who else pays the royalty? Rio Tinto and BHP Billiton when they mine on State land. So, if you're in Colorado, you're in Wyoming and you're on State land, you're paying a royalty. But, no, let's go to the American taxpayers' land. Those same companies that pay to the States don't pay to Uncle Sam.

And the revenue from a royalty is money we can use. What can we use the money for? Make sure we don't have to cut Medicare payments for Grandma. Make sure we have student loans for kids to be able to go to college. That's what the money should be used for. Should it just be pocketed by Rio Tinto, by these companies?

So I ask my colleagues, which deal do you want to go home with and tell your constituents you were for? The deal where they got some nice lands in Arizona while a foreign mining company got billions in copper, or the deal where they got the land plus hundreds of millions of dollars in royalty payments for the U.S. taxpayer?

With the Markey amendment, we in Congress are responsible stewards doing our due diligence to protect the Federal Treasury to get the taxpayer what they're owed. Without the Markey amendment, this House looks like the old Keystone Kops, bumbling around in circles while billions walk right out the door that should be in the pockets of every taxpayer in this country.

We have a supercommittee debating how much they're going to cut poor people, students, national defense, what we're going to spend on the protection of our country, and how many policemen we can afford to have. Meanwhile, out here on the House floor, we're going to turn a blind eye to billions of dollars just going right out the floor of the House here today into the

pockets of Rio Tinto, into the pockets of a foreign corporation. That's not right.

Vote for the Markey amendment. Capture this money for the American taxpayer.

I yield back the balance of my time. Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, in deference to my good friend from Massachusetts, there is only one bill before us, and that's a bill without the Markey amendment, and I hope it stays that way.

This amendment requires a company to pay for the minerals twice. The value of the copper is already included in the appraised value of the land under current law of the United States. That's the law. Section 4(e) of the bill requires the developer to pay full market value for the Federal land and minerals within. Under the requirements of this bill, the United States is fully compensated for the copper up front. But, if, in fact, this vein is larger than what is anticipated, there is a further provision that says that should it exceed that appraised value, the developer, i.e., the copper mining company, is required to compensate the United States through annual assessments. As the market moves forward, the Markey amendment adds an 8 percent royalty to the full, to the top payment. This would mean that the company would be paying a huge premium in addition to what current law is of the value they have already paid.

I have to tell you, Mr. Chairman, this is unprecedented in any law or any activity regarding mining.

This amendment isn't about ensuring the full payment to the United States, because that is required in the bill under current law. What this amendment really does is send a signal to companies that want to invest in Federal lands, to utilize the resources we have, that they are not welcome in the United States. They are not welcome, and they should go overseas where they are welcome, taking American jobs with them and making us less economically viable as a country and also costing us jobs.

With that, I would yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I would just point out, if we want to address the royalty issue on this and other mining ventures, let's address the Mining Act of 1872. There were attempts to do this in the nineties, attempts to increase royalties or impose a 5 percent royalty, and many on the other side of the aisle opposed that measure. And so there have been a few attempts. I would encourage, let's go back to it. But this is not the place to

do it. We can't do it here on this one bill.

And make no mistake about it; this is an attempt to kill this legislation, nothing else. It's not an attempt to garner the taxpayer more revenue. This is an attempt to kill the bill.

I would encourage rejection of the amendment and adoption of the bill.

Mr. HASTINGS of Washington. How much time do I have remaining, Mr. Chairman?

The Acting CHAIR. The gentleman has 2 minutes.

Mr. HASTINGS of Washington. I am pleased to yield 1 minute to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Chairman, it is interesting to listen to the arguments. To listen to the arguments that were given just now on why we should support the Markey amendment, you would believe that Republicans have set up this massive scheme for avoiding payment for royalties.

Now, this law has been in place on the books for a very long time. But additionally, I remember that the Democrats were in control, for 2 years, of the House, the Senate, and the White House, and they elected not to pass this royalty bill because they knew it would damage the economy.

Like the gentleman from Arizona just said, this is a single attempt to kill this one bill. Twenty-five percent of the Nation's copper needs could be met for the next 50 years, and they're trying to kill the bill. That's what defies explanation.

□ 1450

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

I just want to point out the unprecedented nature of this amendment. Let's think about it.

The gentleman from Arizona (Mr. FLAKE) properly pointed out that we operate under the 1872 act, and there is some discussion about that; but to single out one company in one area in one State for this tax sends a terrible, terrible signal to our economic system. If this were to be passed, then what is sacred about this industry compared to any other industry that somebody doesn't like? We will sponsor an amendment to tax one individual company. Boy, that is going to instill confidence, I can really see, in our economic system if an amendment like this is adopted. It is a bad amendment, and it will have a detrimental effect on this project.

I urge the defeat of the Markey amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. GRIJALVA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 112-258.

Mr. GRIJALVA. I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 21, after line 8, insert the following:

(e) ADDITIONAL CONDITIONS RELATED TO MINING OPERATIONS ON CONVEYED FEDERAL LAND.—As additional conditions of the land exchange under this Act, Resolution Copper shall agree to the following:

(1) To locate and maintain the remote operation center for mining operations on the conveyed Federal land in the town of Superior, Arizona, for the duration of such operations.

(2) To actively recruit and provide an employment preference for qualified applicants who reside in the State as of date of the consummation of the land exchange for employment positions related to mining operations on the conveyed Federal land.

(3) To ensure that all locatable minerals produced in commercial quantities from the conveyed Federal land remain in the United States for processing and use.

(4) To ensure that all equipment used to mine or support mining activities on the conveyed Federal Land is made in the United States.

The Acting CHAIR. Pursuant to House Resolution 444, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chairman, just for clarification of the record, the reform of the Mining Act of 1872 was passed by this House when the Democrats were in the majority, including the 8 percent royalty requirement, and it met almost unanimous opposition from my Republican colleagues on the other side of the aisle.

We have been told that the creation of jobs is the principal motivation and justification for H.R. 1904, but when we examine these jobs claims, they start to fall apart. We've heard varying figures from 450 initially to 3,700 and sometimes even 6,000. The numbers aren't supported by the facts.

The amendment before the House right now that is offered by myself and the gentleman from California (Mr. GARAMENDI) is the only way to ensure that at least some jobs will be created in Arizona as a result of this bill. Our amendment adds conditions to the land exchange to guarantee job creation in the community of Superior, Arizona, and the surrounding area and to strengthen the overall benefits to the U.S. economy.

Section 1 of this amendment guarantees that the Remote Operations Center is located in Superior. Modern

mines, Rio Tinto in particular, use a range of automation technology, and most of the human labor is done off-site at the Remote Operations Center. Rio Tinto is presently operating its Pilbara, Australia, mine from 800 miles away in Perth, which is a metro area. Our amendment will ensure that this Remote Operations Center is in and operates from Superior, Arizona.

If this legislation is truly about jobs and lifting up the local economy, it is important to guarantee that local residents will have access to the jobs that are created by this mine. Section 2 of our amendment makes sure that Arizonans are considered first for employment.

Without active recruitment and a hiring preference for area residents, how do we know that the residents of the region and Arizona will benefit from the project? Our amendment makes sure that that happens. If this bill is really about jobs and our national interests, then we should guarantee that the ore produced from this mine has a direct impact on the U.S. economy.

Section 3 of the amendment will make sure that all raw material extracted from the mine is processed in the United States, not in China or in any other foreign country.

Finally, section 4 of this amendment, by ensuring that all equipment used in the mine is made in the USA, puts American manufacturers before foreign competitors. If the promise of job creation is to have even a shred of credibility, the Grijalva-Garamendi amendment must be adopted to ensure that the promises we have heard and the guarantees that have been talked about this afternoon are, in fact, reality. This amendment would make it a requirement.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Thank you, Mr. Chairman.

The fundamental purpose of H.R. 1904 is to make copper in the United States and to create thousands of American jobs.

This amendment is purposefully written to make this mine impossible by mandating conditions that can't be achieved. As a result of that, if this were to pass, the 500 people currently employed on the project would lose their jobs, and the 3,700 total jobs that would be created would never materialize.

The lead sponsor of this amendment has fought this proposed mine for years. Listen, I respect his position, but this amendment isn't written to improve the bill; it's intended to kill the mine. It is simply an amendment in wolf's clothing. This amendment dictates specific mandates on business operations, Mr. Chairman, that are unrealistic, unprecedented, and unworkable. Let me give you an example.

It mandates the precise town in which the mine operations center must be located. The Federal Government should not be dictating where and only where a company is allowed to conduct its private business. If you take this to the logical extreme, what's next? Will House Democrats push a new law to require Apple to move from Cupertino to—where?—Detroit? How ironic that when a company that is investing hundreds of millions of its private dollars in Arizona to create thousands of American jobs that Democrats in the District of Columbia want to dictate where to operate its business.

On the other hand, there may be some consistency, because when President Obama and House Democrats handed out over half a billion stimulus dollars to the Fisker car company, they allowed that to be built in Finland, which, Mr. Chairman, I might add, is not even a State.

The amendment also requires that all copper produced from this mine be used in the United States. Copper is a basic component used to construct and build items. It's ridiculous to mandate that if 1 ounce of copper goes into an item it violates this law, this amendment, to be used outside the United States.

I am sensitive to this because I'm from Washington. If a Boeing plane is using copper made from this mine, that Boeing plane can therefore never fly out of the United States. If copper pipe is used in the plumbing of a boat that's built in America, it can never ship American goods in this global economy. What about copper jewelry, Mr. Chairman, or an American-built car that includes copper components, or the multitude of everyday items that we build in America and sell abroad that contain copper?

The fact is that this amendment would make it impossible to use the copper from this mine; but on the other hand, that's probably what the intent is.

Finally, the amendment mandates that all equipment used to mine or support mining activities be made in the United States. The purpose of the bill is to allow the third largest undeveloped copper resource in the world to be developed in America to create American jobs and provide up to 25 percent of America's copper consumption. It defies reason and logic to say that this economic boost to America can't happen if one piece of equipment used for the mine isn't made in the United States.

Let me go a little bit further, Mr. Chairman. The word "equipment" is never defined. Does it include everyday office items that will support mine activities, such as paper or pencils? What about cell phones for workers? iPhones and Blackberries, I might add, are not manufactured in America.

So I urge my colleagues, therefore, to vote against this amendment, which stands in the way of American copper production and American copper creation.

With that, I reserve the balance of my time.

□ 1500

Mr. GRIJALVA. I yield the balance of my time to the cosponsor of the amendment, the gentleman from California (Mr. GARAMENDI).

The Acting CHAIR. The gentleman from California is recognized for 2 minutes.

Mr. GARAMENDI. Our worthy chairman has put up a dozen canards, none of which really address the underlying issue here. This amendment is a very simple one that would locate in Arizona the headquarters for this mine. Is there something wrong with that? We are not moving this off to Finland. Come on.

This amendment would also provide that the copper—and it's been stated by the proponents of the bill that 25 percent of the copper needs in the United States would come from this mine, so why not use this copper in the United States? It seems to me to be perfectly reasonable, despite all the canards that we just tossed around here a few moments ago.

The other part of this has to do with the equipment. Is the worthy gentleman from Washington opposed to using American-made equipment in American mines? Is that what this is all about?

Yes, there may be some definitional problems. I'd be delighted to work with you on the definitional problems, but the underlying point is why would we set up all of this so that we could import the equipment from China or Japan or some other place. Why not simply require that this mine, which under the bill itself is an enormous giveaway of American property, of property owned by the American people and the enormous unparalleled giveaway of our value, why not simply require that at least if they're going to be given all of this, they be required to buy American-made equipment for the mine operation?

What's wrong with that? Why not make it in America? If this mine is in America, why not use American-made equipment and hire Americans and, in this case, Arizonans? You got a problem with hiring Arizonans? You got a problem with locating in Arizona the headquarters of this mine, or would you prefer London or maybe somewhere in Australia?

Come on. These are very simple amendments so that Americans can go to work. These are very simple amendments so that this company will buy American-made equipment to mine our copper which, under your proposal, is given away.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. HASTINGS of Washington. I just want to respond to my good friend from California about working with us if there is a flaw in this amendment.

I would just remind him he offered a similar amendment in committee; we brought up precisely the same arguments, precisely the same arguments. And here we are, we trot out an amendment on the floor of the House, and it's precisely the same amendment. I have a hard time thinking that somebody wants to work with us when they trot out the same amendment with the same arguments that got defeated twice.

I just want to mention this, Mr. Chairman. It's a worthy goal to buy American and promote buy American, but not when that sentiment is used to block a project to create American jobs and that results in America being less dependent on foreign minerals that gets our economy going.

With that, Mr. Chairman, I urge defeat of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GRIJALVA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Mr. HASTINGS of Washington. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GOSAR) having assumed the chair, Mr. LATOURETTE, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1904) to facilitate the efficient extraction of mineral resources in southeast Arizona by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair, not earlier than 3:30 p.m.

Accordingly (at 3 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1545

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WESTMORELAND) at 3 o'clock and 45 minutes p.m.