

119TH CONGRESS
1ST SESSION

H. R. 6391

To repeal section 3003 of Public Law 113–291, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2025

Mrs. GRIJALVA (for herself, Ms. LEGER FERNANDEZ, Mr. LIEU, Mr. MIN, Ms. MOORE of Wisconsin, Mr. NEGUSE, Ms. PINGREE, Mr. RUIZ, Ms. STANSBURY, Ms. TLAIB, Mrs. TORRES of California, Mr. TRAN, Ms. MCCOLLUM, and Ms. KAMLAGER-DOVE) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To repeal section 3003 of Public Law 113–291, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Resolution Copper is a joint venture of the
9 world’s two largest foreign mining entities, Rio

1 Tinto (55 percent) and BHP (45 percent), and these
2 foreign corporations formed Resolution Copper to
3 acquire public land called Oak Flat to extract
4 United States copper located beneath it primarily for
5 export to the People’s Republic of China.

6 (2) Rio Tinto’s largest shareholder is Chinalco,
7 a company wholly owned by the People’s Republic of
8 China, which owns 14.56 percent of Rio Tinto, 4
9 times more than the next largest shareholder.

10 (3) Rio Tinto generates over 57 percent of its
11 revenue through the export of minerals to the Peo-
12 ple’s Republic of China, and BHP generates over 62
13 percent of its revenue through the export of minerals
14 to the People’s Republic of China, making the Peo-
15 ple’s Republic of China the largest market for Rio
16 Tinto and BHP.

17 (4) In 2014, despite bipartisan opposition, con-
18 gressional allies of Resolution Copper inserted the
19 Southeast Arizona Land Exchange Act (section
20 3003 of Public Law 113–291; 16 U.S.C. 539p) as
21 a closed-door, last-minute rider in the Carl Levin
22 and Howard P. “Buck” McKeon National Defense
23 Authorization Act for Fiscal Year 2015 (Public Law
24 113–291; “FY15 NDAA”).

25 (5) Section 3003 of the FY15 NDAA—

1 (A) requires the Forest Service to give
2 away Oak Flat to Resolution Copper within 60
3 days of publication of a legal Final Environ-
4 mental Impact Statement so these foreign cor-
5 porations can mine copper from beneath Oak
6 Flat to export to the People’s Republic of
7 China; and

8 (B) lacks any requirement that Resolution
9 Copper smelt, refine, or sell the copper it ex-
10 tracts from beneath Oak Flat in the United
11 States or any requirement that this copper, de-
12 rived from public land, benefits United States
13 consumers.

14 (6) The United States Geological Survey re-
15 ports that over 30 percent of the copper mined in
16 the United States is already exported, and economic
17 studies show that the bulk of this copper is shipped
18 to the People’s Republic of China.

19 (7) Rio Tinto stated in comments to the De-
20 partment of Commerce dated April 1, 2025, that
21 China is “the most profitable destination for almost
22 any mine in the world to sell its copper”.

23 (8) Resolution Copper has never provided a
24 plan to the United States showing that the copper
25 extracted from beneath Oak Flat would remain in

1 the United States because Resolution Copper instead
2 plans to export Oak Flat copper to the People's Re-
3 public of China in order to maximize shareholder
4 profits.

5 (9) Resolution Copper will enable the People's
6 Republic of China to strengthen its control over
7 global copper supply chains.

8 (10) Over the years, the People's Republic of
9 China has ramped up manipulative and malign ac-
10 tions within the United States, exposing United
11 States citizens to ever-increasing security and eco-
12 nomic vulnerabilities.

13 (11) Giving away publicly owned Oak Flat and
14 the natural resources beneath it under section 3003
15 of the FY15 NDAA to Resolution Copper to benefit
16 the People's Republic of China will weaken United
17 States security.

18 (12) Rio Tinto has a long record of human
19 rights violations and environmental devastation,
20 harming communities around the world, including in
21 Australia, Papua New Guinea, Madagascar, Indo-
22 nesia, Mongolia, and Namibia.

23 (13) In 2020, Rio Tinto intentionally blew up
24 an area sacred to the Puutu Kunti Kurrama and
25 Pinikura peoples in Western Australia, including the

1 Juukan Gorge Rock Dwellings, which have evidence
2 of human habitation dating back 46,000 years, be-
3 cause it was the cheapest way to access ore, result-
4 ing in immeasurable cultural and spiritual loss and
5 pain for Indigenous communities.

6 (14) Oak Flat, located in the Tonto National
7 Forest is the ancestral homeland of American Indi-
8 ans—

9 (A) forcibly removed at gunpoint from Oak
10 Flat, and other areas that are now adminis-
11 tered as public lands, by the United States
12 Army during the 1880s; and

13 (B) held as prisoners of war until the early
14 1900s.

15 (15) Oak Flat is listed on the National Register
16 of Historic Places as the Traditional Cultural Prop-
17 erty of Chí'chil Bítłdagoteel Historic District.

18 (16) Resolution Copper plans to extract copper
19 located one mile beneath Oak Flat's surface, which
20 will result in a crater 2 miles wide over 1,000 feet
21 deep and deplete, destroy, and contaminate substan-
22 tial amounts of limited and precious water resources
23 in a region that is already suffering from severe
24 drought and aridification by—

1 (A) consuming over 250,000,000,000 gal-
2 lons of groundwater over the 40-year life of the
3 mine, which is enough water to support
4 180,000 people annually for 40 years, resulting
5 in over 4 feet of land subsidence over large
6 swaths of the East Salt River Valley due to de-
7 creases in groundwater levels, in some areas by
8 nearly 200 feet; and

9 (B) redirecting water from the East Salt
10 River Valley, which will comprise approximately
11 70 percent of Resolution Copper's groundwater,
12 to slurry 1,370,000,000 tons of toxic mine
13 waste through almost 20 miles of pipelines to a
14 massive toxic waste dump nearly 500 feet high
15 and spanning approximately 15,000 acres, in
16 the Gila River watershed.

17 (17) The Arizona State Land Department in a
18 letter to the Forest Service dated August 4, 2025,
19 objected to Resolution Copper's proposed mine be-
20 cause Resolution Copper would withdraw substantial
21 amounts of groundwater from the East Salt River
22 Valley, causing irreversible subsidence and earth fis-
23 sures, jeopardizing future residential development of
24 Arizona State Trust Land needed for the growing
25 population in the Phoenix metropolitan area, which

1 will result in the loss of billions of dollars for public
2 education and other basic needs of Arizonans.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) OAK FLAT.—The term “Oak Flat” means
6 the approximately 2,422 acres of Forest Service land
7 in the Tonto National Forest in southeastern Ari-
8 zona commonly known as “Oak Flat” and generally
9 depicted as “Oak Flat Withdrawal Area” on the
10 map titled “Save Oak Flat from Foreign Mining”
11 and dated November 2025.

12 (2) RESOLUTION COPPER.—The term “Resolu-
13 tion Copper” means Resolution Copper Mining,
14 LLC, formed by foreign mining entities, Rio Tinto
15 (55 percent) and BHP (45 percent), to acquire Oak
16 Flat and extract and monetize United States copper
17 located beneath it.

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

19 (a) REPEAL.—Section 3003 of Public Law 113–291
20 (16 U.S.C. 539p) is repealed.

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

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

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

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