

SUPERIOR NATIONAL FOREST RESTORATION ACT

FEBRUARY 9, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3195]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3195) to rescind Public Land Order 7917, to reinstate mineral leases and permits in the Superior National Forest, to ensure timely review of Mine Plans of Operations, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Superior National Forest Restoration Act”.

SEC. 2. SUPERIOR NATIONAL FOREST SYSTEM LANDS IN MINNESOTA.

(a) RESCISSION.—The order entitled “Public Land Order No. 7917 for Withdrawal of Federal Lands; Cook, Lake, and Saint Louis Counties, MN”, issued by the Bureau of Land Management and dated January 31, 2023, is hereby rescinded.

(b) TIMELY REVIEW.—The Secretary shall complete all necessary environmental and regulatory review, including processes subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for all Mine Plans of Operations within the Superior National Forest lands in the State of Minnesota—

(1) with respect to such Mine Plans of Operations submitted before the date of the enactment of this section, not later than 18 months after the date of enactment of this section; and

(2) with respect to a Mine Plan of Operations submitted or resubmitted in the 7 year period beginning on the date of the enactment of this section, not later than 18 months after the date on which such Mine Plan of Operations is submitted or resubmitted.

(c) REISSUANCE OF MINERAL LEASES.—

(1) IN GENERAL.—The Secretary shall issue each mineral lease, preference right lease, and prospecting permit canceled by the Secretary relating to lands within Superior National Forest during the period beginning on January 31, 2021, and ending on the date of the enactment of this section on the same terms as were in effect on the date of such cancellations.

(2) JUDICIAL REVIEW.—A lease or permit issued under paragraph (1) is not subject to judicial review.

(d) SECRETARY DEFINED.—For the purposes of this section, the term “Secretary” means—

(1) the Secretary of the Interior; or

(2) when used with respect to any unit of the National Forest System, the Secretary of Agriculture.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 3195 is to rescind Public Land Order 7917, to reinstate mineral leases and permits in the Superior National Forest, to ensure timely review of Mine Plans of Operations, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Superior National Forest (SNF) in northeastern Minnesota contains 3.7 million acres of National Forest System land, including the Boundary Waters Canoe Area Wilderness. The region contains vast amounts of copper and nickel, as well as cobalt and platinum metal groups, which began to attract interest from developers decades ago. In 1966, two mining leases were granted to project proponents for an initial term of 20 years, with rights to renew for 10 years.¹ These leases have been renewed multiple times since.² The project has had different operators since its inception and has yet to begin production due to high capital and exploration costs.

In the last days of the Obama administration, the U.S. Forest Service filed an application with the Bureau of Land Management (BLM) to withdraw 234,328 acres of SNF land from mineral development, immediately halting all mining activities pending the results of an environmental review.³ The Obama administration also declined to renew the two mineral leases, currently held by an operator called Twin Metals Minnesota, despite the operator’s long tenure and hundreds of millions of dollars spent exploring the prospective mine site.⁴

After 15 months of review, the Trump administration cancelled the application for the mineral withdrawal on September 6, 2018,⁵ and reinstated the mineral leases on May 2, 2018.⁶ In December 2019, Twin Metals Minnesota formally submitted a Mine Plan of Operation to begin the federal permitting process, with the Min-

¹ Twin Metals Minnesota, “Fact: Twin Metals Minnesota’s Federal Mineral Preference Right Leases Mines 1352 & 1353,” Dec. 15, 2016, <https://www.twin-metals.com/wp-content/uploads/2016/12/TMM-Lease-Renewal-Facts-12-15-16.pdf>.

² *Id.*

³ 82 Fed. Reg. 6639.

⁴ “The Latest: Twin Metals: Reinstating leases ‘important step,’” May 2, 2018, Associated Press, <https://apnews.com/7c030dc4e85e4926a2028cb96e32b817>.

⁵ U.S. Department of Agriculture, “USDA Removes Roadblock to Mineral Exploration in Rainy River Watershed,” Press Release, Sept. 6, 2018, <https://www.usda.gov/media/press-releases/2018/09/06/usda-removes-roadblock-mineral-exploration-rainy-river-watershed>.

⁶ U.S. Department of the Interior, “Rescission of December 15, 2016, Lease Renewal Application Rejection. Reinstatement of Mineral Leases MNES 01352 & MNES 01353 as Issued in 2004. Reinstatement of Twin Metal’s 2012 Lease Renewal Application,” May 2, 2018, <https://www.twin-metals.com/wp-content/uploads/2018/05/2018.05.02-Twin-Metals-Lease-Reinstatement-Decision-002.pdf>.

nesota Department of Natural Resources also conducting its own environmental impact review.⁷

The Biden administration reversed course once again, cancelling the mineral leases held by Twin Metals Minnesota on January 26, 2022,⁸ and initiating a withdrawal of over 225,000 acres of mineral-rich land in the same area.⁹ These actions were taken despite years of environmental review, a pending Mine Plan of Operations at BLM,¹⁰ and a myriad of comments and letters from Members of Congress, mineral developers, local residents, union workers, and many other parties stating their support for the project. The finalized withdrawal went into effect on January 31, 2023,¹¹ prohibiting extraction of any mineral—including copper, nickel, cobalt, platinum, and iron ore—in 225,504 acres of the SNF for 20 years.

H.R. 3195 would rescind Public Land Order 7917, the order that directs the withdrawal. This bill also requires that any Mine Plans of Operations in the SNF currently pending at BLM, and any Mine Plans of Operations submitted or resubmitted to BLM in the next 7 years, must be reviewed within 18 months. Finally, this bill requires the reissuance of every mineral lease, preference right lease, and prospecting permit for mining on the SNF that was cancelled since January 31, 2021. The reissuance of such leases or permits is not subject to judicial review.

The provisions in H.R. 3195, taken together, would effectively cancel the administrative withdrawal in northern Minnesota finalized by the Biden administration, restore mineral rights to prospective developers in the area, and require the prompt review of any Mine Plans of Operations for potential future development.

COMMITTEE ACTION

H.R. 3195 was introduced on May 10, 2023, by Rep. Pete Stauber (R–MN). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Energy and Mineral Resources. On May 11, 2023, the Subcommittee on Energy and Mineral Resources held a hearing on the bill. On May 17, 2023, the Committee on Natural Resources met to consider the bill. The Subcommittee on Energy and Mineral Resources was discharged from further consideration of H.R. 3195 by unanimous consent. Rep. Stauber (R–MN) offered an amendment in the nature of a substitute, designated Stauber 016. Ranking Member Raúl Grijalva (D–AZ) offered an amendment to the amendment in the nature of a substitute, designated Grijalva #1. The amendment offered by Ranking Member Grijalva (D–AZ) to the amendment in the nature of a substitute was not adopted by a roll call vote of 15 yeas to 17 nays, as follows:

⁷ Karnowski, Steve, “Twin Metals Minnesota files formal mine plan with regulators,” Associated Press, Dec. 18, 2019. <https://apnews.com/3cb7d821267e8ada06e1817b5c380eef>.

⁸ Decision of Tommy Beaudreau, Deputy Secretary of the Interior, Jan. 26, 2022, <https://www.blm.gov/sites/blm.gov/files/docs/2022-01/2022.01.26%20Twin%20Metals%20Lease%20Cancellation%20Decision%20.pdf>.

⁹ U.S. Department of the Interior, “Biden Administration Takes Action to Complete Study of Boundary Waters Area Watershed,” Press Release, Oct. 20, 2021, <https://www.doi.gov/pressreleases/biden-administration-takes-action-complete-study-boundary-waters-area-watershed>.

¹⁰ Bureau of Land Management, NEPA number: DOI–BLM–Eastern States–0030–2020–0006–EIS, <https://eplanning.blm.gov/eplanning-ui/project/1503233/510>.

¹¹ 88 Fed. Reg. 6308.

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: May 17, 2023

Recorded Vote #: 2

Meeting on / Amendment on: **Grijalva #1 Amendment to Stauber_016 ANS to H.R. 3195 (Rep. Stauber), "Superior National Forest Restoration Act."**

| MEMBERS | | | | MEMBERS | | | |
|-----------------------------|-----|-----|------|---------------------------|-----|-----|------|
| | Yea | Nay | Pres | | Yea | Nay | Pres |
| Mr. Westerman, AR, Chairman | | X | | Mr. Grijalva, AZ, Ranking | X | | |
| Mr. Lamborn, CO | | | | Ms. Napolitano, CA | X | | |
| Mr. Wittman, VA | | X | | Mr. Sablan, CNMI | X | | |
| Mr. McClintock, CA | | X | | Mr. Huffman, CA | X | | |
| Mr. Gosar, AZ | | | | Mr. Gallego, AZ | X | | |
| Mr. Graves, LA | | | | Mr. Neguse, CO | | | |
| Mrs. Radewagen, AS | | | | Mr. Levin, CA | X | | |
| Mr. LaMalfa, CA | | | | Ms. Porter, CA | X | | |
| Mr. Webster, FL | | X | | Ms. Leger Fernandez, NM | X | | |
| Ms. González-Colón, PR | | X | | Ms. Stansbury, NM | X | | |
| Mr. Fulcher, ID | | X | | Mrs. Peltola, AK | | | |
| Mr. Stauber, MN | | X | | Ms. Ocasio-Cortez, NY | X | | |
| Mr. Curtis, UT | | X | | Mr. Mullin, CA | X | | |
| Mr. Tiffany, WI | | X | | Ms. Hoyle, OR | X | | |
| Mr. Carl, AL | | X | | Ms. Kamlager-Dove, CA | | | |
| Mr. Rosendale, MT | | X | | Mr. Magaziner, RI | X | | |
| Mrs. Boebert, CO | | | | Ms. Velázquez, NY | | | |
| Mr. Bentz, OR | | X | | Mr. Case, HI | X | | |
| Ms. Kiggans, VA | | X | | Mrs. Dingell, MI | X | | |
| Mr. Moylan, Guam | | | | Ms. Lee, NV | | | |
| Mr. Hunt, TX | | | | | | | |
| Mr. Collins, GA | | X | | | | | |
| Ms. Luna, FL | | X | | | | | |
| Mr. Duarte, CA | | X | | | | | |
| Ms. Hageman, WY | | X | | | | | |
| | | | | | | | |
| | | | | TOTAL: | 15 | 17 | |

Rep. Sydney Kamlager-Dove (D-CA) offered an amendment to the amendment in the nature of a substitute, designated Kamlager-Dove #2. The amendment offered by Rep. Kamlager-Dove (D-CA) to the amendment in the nature of a substitute was not adopted by a roll call vote of 16 yeas to 19 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: May 17, 2023

Recorded Vote #: 3

Meeting on / Amendment on: **Kamlager-Dove #2 Amendment to Stauber_016 ANS to H.R. 3195 (Rep. Stauber), "Superior National Forest Restoration Act."**

| MEMBERS | Yea | Nay | Pres | MEMBERS | Yea | Nay | Pres |
|-----------------------------|-----|-----|------|---------------------------|-----|-----|------|
| Mr. Westerman, AR, Chairman | | X | | Mr. Grijalva, AZ, Ranking | X | | |
| Mr. Lamborn, CO | | | | Ms. Napolitano, CA | X | | |
| Mr. Wittman, VA | | X | | Mr. Sablan, CNMI | X | | |
| Mr. McClintock, CA | | X | | Mr. Huffman, CA | X | | |
| Mr. Gosar, AZ | | | | Mr. Gallego, AZ | X | | |
| Mr. Graves, LA | | | | Mr. Neguse, CO | | | |
| Mrs. Radewagen, AS | | X | | Mr. Levin, CA | X | | |
| Mr. LaMalfa, CA | | | | Ms. Porter, CA | X | | |
| Mr. Webster, FL | | X | | Ms. Leger Fernandez, NM | X | | |
| Ms. González-Colón, PR | | X | | Ms. Stansbury, NM | X | | |
| Mr. Fulcher, ID | | X | | Mrs. Peltola, AK | | | |
| Mr. Stauber, MN | | X | | Ms. Ocasio-Cortez, NY | X | | |
| Mr. Curtis, UT | | X | | Mr. Mullin, CA | X | | |
| Mr. Tiffany, WI | | X | | Ms. Hoyle, OR | X | | |
| Mr. Carl, AL | | X | | Ms. Kamlager-Dove, CA | | | |
| Mr. Rosendale, MT | | X | | Mr. Magaziner, RI | X | | |
| Mrs. Boebert, CO | | | | Ms. Velázquez, NY | | | |
| Mr. Bentz, OR | | X | | Mr. Case, HI | X | | |
| Ms. Kiggans, VA | | X | | Mrs. Dingell, MI | X | | |
| Mr. Moylan, Guam | | | | Ms. Lee, NV | X | | |
| Mr. Hunt, TX | | X | | | | | |
| Mr. Collins, GA | | X | | | | | |
| Ms. Luna, FL | | X | | | | | |
| Mr. Duarte, CA | | X | | | | | |
| Ms. Hageman, WY | | X | | | | | |
| | | | | | | | |
| | | | | TOTAL: | 16 | 19 | |

Ranking Member Raúl Grijalva (D-AZ) offered a substitute amendment to the amendment in the nature of a substitute, designated Grijalva #3. The substitute amendment offered by Ranking Member Grijalva (D-AZ) was not adopted by a roll call vote of 16 yeas to 19 nays, as follows:

The amendment in the nature of a substitute offered by Rep. Stauber (R-MN) was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by a roll call vote of 21 yeas to 17 nays, as follows:

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Energy and Mineral Resources held on May 11, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 establishes the short title of the bill as the “Superior National Forest Restoration Act.”

Section 2. Superior National Forest system lands in Minnesota

Section 2 rescinds Public Land Order 7917, which withdraws 225,504 acres of the Superior National Forest for 20 years. It requires review within 18 months of enactment of any Mine Plans of Operations currently pending at BLM and any Mine Plans of Operations submitted or resubmitted within seven years of the date of enactment. This section also requires reissuance of every mineral lease, preference right lease, and prospecting permit that has been cancelled since January 31, 2021. Finally, this section makes clear that the reissuance of such leases or permits is not subject to judicial review.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

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

COMPLIANCE WITH HOUSE RULE XIII AND
CONGRESSIONAL BUDGET ACT

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

| At a Glance | | | |
|--|------|---|----------------------|
| H.R. 3195, Superior National Forest Restoration Act | | | |
| As ordered reported by the House Committee on Natural Resources on May 17, 2023 | | | |
| By Fiscal Year, Millions of Dollars | 2024 | 2024-2028 | 2024-2033 |
| Direct Spending (Outlays) | * | -1 | -40 |
| Revenues | 0 | 0 | 0 |
| Increase or Decrease (-) in the Deficit | * | -1 | -40 |
| Spending Subject to Appropriation (Outlays) | * | * | not estimated |
| Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034? | No | Statutory pay-as-you-go procedures apply? Yes | |
| | | Mandate Effects | |
| Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034? | No | Contains intergovernmental mandate? | Yes, Under Threshold |
| | | Contains private-sector mandate? | Yes, Under Threshold |
| * = between -\$500,000 and \$500,000. | | | |

The bill would:

- Reverse the withdrawal of more than 225,000 acres of National Forest System land in Minnesota from mineral and geothermal leasing
- Specify deadlines for the Departments of Agriculture and the Interior to review plans for mining on that land
- Require certain canceled leases to be reissued
- Impose intergovernmental and private-sector mandates by eliminating a right of action to seek a judicial review of re-issued permits and leases

Estimated budgetary effects would mainly stem from:

- Rents and royalties collected from reissued mineral leases

Areas of significant uncertainty include:

- Anticipating whether mining permits would be issued for certain operations
- Projecting mineral prices

Bill summary: H.R. 3195 would revoke Public Land Order 7917, “Withdrawal of Federal Lands; Cook, Lake, and Saint Louis Counties, MN,” which was issued on January 31, 2023, by the Bureau of Land Management (BLM). The order, effective for 20 years and subject to valid existing rights, withdrew more than 225,000 acres of National Forest System land in Minnesota from mineral and geothermal leasing.

The bill would require the Departments of Agriculture and the Interior to reissue all mineral leases and prospecting permits for the withdrawn area that were canceled between January 31, 2021, and the date of enactment. The reinstated leases would be subject to their original terms and exempt from judicial review. In addition, within 18 months of enactment those departments would be required to complete environmental and regulatory reviews of plans of operation for certain mining activities within the Superior National Forest in Minnesota.

Estimated Federal cost: The estimated budgetary effect of H.R. 3195 is shown in Table 1. The costs of the legislation fall within budget function 300 (natural resources and environment).

Basis of estimate: For this estimate, CBO assumes that the bill will be enacted near the end of calendar year 2023. Based on details in the bill and accounting for permitting processes in federal and state laws, CBO expects that BLM would start collecting rents and minimum royalties (payments in lieu of production royalties) in 2024 and mineral production royalties in 2031.

Background: Under mineral-leasing laws, some acquired federal land (land that is granted or sold to the federal government by states or private entities) can be leased to prospect for, develop, and extract hardrock minerals. The leases are managed by BLM and are subject to rents and royalties on the minerals produced. The federal government is required to disburse 49 percent of lease proceeds to the states where the activities occur.

Two active hardrock mineral leases in effect on National Forest System land in Minnesota in January 2022 were canceled by the Department of the Interior on January 26, 2022. Within a year of those cancellations, Public Land Order 7917 withdrew that land from mineral and geothermal leasing, effectively restricting the Forest Service and BLM from processing or issuing new hardrock-prospecting permits and mineral leases. According to information from the Forest Service about 67,000 acres within the affected area have a high potential for mining copper, nickel, cobalt, and platinum group metals.

Direct spending: CBO estimates that enacting H.R. 3195 would decrease net direct spending by \$40 million over the 2024–2033 period.

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 3195

| | By fiscal year, millions of dollars— | | | | | | | | | | | | |
|---|--------------------------------------|------|------|------|------|------|------|------|------|------|-----------|-----------|--|
| | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2024–2028 | 2024–2033 | |
| ESTIMATED INCREASES OR DECREASES (–) IN DIRECT SPENDING | | | | | | | | | | | | | |
| Rents and Royalties Under Reissued Leases: | | | | | | | | | | | | | |
| Estimated Budget Authority | * | –1 | * | –1 | * | * | –1 | –22 | –27 | –26 | –2 | –78 | |
| Estimated Outlays | * | –1 | * | –1 | * | * | –1 | –22 | –27 | –26 | –2 | –78 | |
| Payments to the State of Minnesota: | | | | | | | | | | | | | |
| Estimated Budget Authority | * | 1 | * | * | * | * | * | 11 | 13 | 13 | 1 | 38 | |
| Estimated Outlays | * | 1 | * | * | * | * | * | 11 | 13 | 13 | 1 | 38 | |
| Total: | | | | | | | | | | | | | |
| Estimated Budget Authority | * | * | * | –1 | * | * | –1 | –11 | –14 | –13 | –1 | –40 | |
| Estimated Outlays | * | * | * | –1 | * | * | –1 | –11 | –14 | –13 | –1 | –40 | |

* = between –\$500,000 and \$500,000.
 CBO estimates that H.R. 3195 also would increase spending subject to appropriation by less than \$500,000 over the 2024–2028 period; any spending would be subject to the availability of appropriated funds.

Rents and royalties under reissued leases: CBO estimates that the federal government would collect \$78 million in rents and royalties over the 2024–2033 period under the reissued leases. Those amounts would be classified in the budget as offsetting receipts (or reductions in direct spending).

Using information from BLM on the leases’ terms, CBO expects that a leaseholder would pay combined annual rent and a minimum royalty of about \$400,000 and a 6 percent royalty on the gross value of minerals mined. Based on information from industry

experts, CBO expects that state and local permitting and preproduction activities would take about seven years to complete. Because of uncertainty about when and whether a leaseholder would obtain the necessary permits, CBO used a 50 percent probability that production would begin after 2030 but before 2033.

Based on that timeline, CBO estimates that the federal government would collect roughly \$3 million over the 2024–2030 period in rents and minimum royalties. Using information on estimated production volume from the previous mining operation plans and forecasts of metal and mineral prices from the U.S. Geological Survey and the World Bank, CBO estimates that the federal government would collect about \$75 million in royalties over the 2031–2033 period from production royalties. (That amount incorporates the 50 percent probability that production does not occur or occurs after 2033.)

Payments to the State of Minnesota: Under current law, the Department of the Treasury returns 49 percent of the offsetting receipts in rent and royalties from mineral leases to the state in which the mining occurs. Under the bill, the federal government would transfer roughly \$38 million over the 2024–2033 period to the State of Minnesota. That amount includes about \$1 million in rents before production from 2024 to 2030 and about \$37 million in royalties produced from 2031 to 2033. Payments to states are subject to sequestration through 2031 and CBO’s estimate incorporates those effects.

Spending subject to appropriation: H.R. 3195 would require the Forest Service and BLM to complete environmental and regulatory reviews of leaseholders’ plans of operations within 18 months of enactment. Under current law, the agencies would perform those tasks under an agreement with leaseholders to pay for the cost of such reviews. Thus, CBO estimates that the net cost of those reviews would be negligible over the 2024–2033 period.

Uncertainty: This estimate is subject to significant uncertainty because the collection of rents and royalties for mining operations depends on whether and when the necessary state and local permits are obtained. The state permitting process could be shorter or longer than CBO anticipates. In addition, because CBO cannot precisely predict future mineral prices, the royalties collected could be larger or smaller than estimated.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays that are subject to those pay-as-you-go procedures are shown in Table 2.

TABLE 2.—CBO’S ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS OF H.R. 3195, THE SUPERIOR NATIONAL FOREST RESTORATION ACT, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON NATURAL RESOURCES ON MAY 17, 2023

| | By fiscal year, millions of dollars— | | | | | | | | | | | | |
|-----------------------------|--------------------------------------|------|------|------|------|------|------|------|------|------|-----------|-----------|--|
| | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2024–2028 | 2024–2033 | |
| NET DECREASE IN THE DEFICIT | | | | | | | | | | | | | |
| Pay-As-You-Go Effect | 0 | 0 | 0 | –1 | 0 | 0 | –1 | –11 | –14 | –13 | –1 | –40 | |

Increase in long-term net direct spending and deficits: CBO estimates that enacting H.R. 3195 would not increase net direct spending or deficits in any of the four consecutive 10-year periods beginning in 2034.

Mandates: H.R. 3195 would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) by eliminating a right of action for entities to seek judicial review of permits and leases reissued as a result of the bill. Because those reviews do not generally result in monetary damages, CBO estimates that the cost of the mandates would fall well below the intergovernmental and private-sector thresholds established in UMRA (\$99 million and \$198 million in 2023, respectively, adjusted annually for inflation).

Estimate prepared by: Federal costs: Lilia Ledezma; Mandates: Brandon Lever.

Estimate reviewed by: Ann E. Futrell, Senior Adviser for Budget Analysis; Kathleen FitzGerald, Chief, Public and Private Mandates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

Estimate approved by: Phillip L. Swagel, Director, Congressional Budget Office.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to rescind Public Land Order 7917, to reinstate mineral leases and permits in the Superior National Forest, to ensure timely review of Mine Plans of Operations, and for other purposes.

EARMARK STATEMENT

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

UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office (CBO), H.R. 3195 would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). However, CBO estimates that the cost of such mandates would fall well below the intergovernmental and private-sector thresholds established in UMRA.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

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

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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

CHANGES IN EXISTING LAW

As ordered reported by the Committee on Natural Resources, H.R. 3195 makes no changes in existing law.

DISSENTING VIEWS

Designated initially under the *Wilderness Act of 1964*, the Boundary Waters Canoe Area Wilderness (BWCAW) is a 1,090,000-acre federal wilderness area inside Superior National Forest in northern Minnesota. As the nation's most-visited wilderness area, BWCAW welcomes approximately 150,000 visitors annually. Along with nearby Voyageurs National Park, the Boundary Waters supports 22,000 jobs and \$1.4 billion in annual visitor spending. The BWCAW is nationally significant because of its pristine and crystal-clean water resources, remote location, and vast solitude.

In 2012, Twin Metals Minnesota—a wholly owned subsidiary of the Chilean mining company Antofagasta plc—requested an extension of two expired leases in the Superior National Forest to build a sulfide-ore copper mine for copper, nickel, cobalt, and platinum. In 2016, after an extensive public input process, the Forest Service concluded that a sulfide-ore copper mine in the watershed near the BWCAW could result in “extreme” and “serious and irreplaceable harm” to the wilderness area. The Forest Service withheld its consent for renewal, and the leases expired. Following the refusal to renew the mineral leases, the Forest Service initiated a process to protect 235,000 acres of the Superior National Forest from mining for 20 years, also known as a mineral withdrawal, to provide further protections for the BWCAW. Under the Trump administration, ignoring the science and public comment, the Bureau of Land Management (BLM) reinstated the expired Twin Metals leases and abruptly canceled the mineral withdrawal application.

In October 2021, under the Biden administration, the Forest Service submitted a new withdrawal application and undertook a science-based environmental assessment to evaluate the potential impact of prohibiting new mining and geothermal exploration and development within the Rainy River Watershed for the next 20 years and collected extensive public comment.

In January 2022, DOI's Office of the Solicitor issued a legal opinion finding that the Trump administration improperly renewed the leases by failing to follow DOI regulations, did not incorporate the Forest Service's opposition to the renewal, and conducted an inadequate environmental analysis under the National Environmental Policy Act (NEPA). Given these findings, DOI canceled the Twin Metals leases.

In January 2023, Secretary of the Interior Haaland finalized the mineral withdrawal for 225,000 acres of Superior National Forest—Public Lands Order 7917. The withdrawal was informed by approximately 200,000 comments gathered from two public comment periods, three virtual public meetings, two tribal consultations, and a thorough scientific review.

H.R. 3195 undermines the scientific and public input process the Biden administration rightfully used to complete the mineral with-

drawal. The legislation would reinstate the canceled leases and permits without judicial review. If allowed to proceed, the Twin Metals mine in the watershed of the Boundary Waters would pose a significant risk and could cause irreparable harm to the wilderness area. Additionally, nearly 70 percent of Minnesotans support protecting the Boundary Waters from sulfide-ore copper mining, with support across the political spectrum.

For these reasons, Democrats oppose H.R. 3195, which would nullify Public Land Order No. 7917.

RAÚL M. GRIJALVA,
Ranking Member.

