

EXPRESSING DISAPPROVAL OF THE WITHDRAWAL BY THE SECRETARY OF THE INTERIOR OF APPROXIMATELY 225,504 ACRES OF NATIONAL FOREST SYSTEM LANDS IN COOK, LAKE, AND SAINT LOUIS COUNTIES, MINNESOTA, FROM DISPOSITION UNDER THE UNITED STATES MINERAL AND GEOTHERMAL LEASING LAWS

DECEMBER 18, 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. Con. Res. 34]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the concurrent resolution (H. Con. Res. 34) expressing disapproval of the withdrawal by the Secretary of the Interior of approximately 225,504 acres of National Forest System lands in Cook, Lake, and Saint Louis Counties, Minnesota, from disposition under the United States mineral and geothermal leasing laws, having considered the same, reports favorably thereon without amendment and recommends that the concurrent resolution be agreed to.

PURPOSE OF THE LEGISLATION

The purpose of H. Con. Res. 34 is to express disapproval of the withdrawal by the Secretary of the Interior of approximately 225,504 acres of National Forest System lands in Cook, Lake, and Saint Louis Counties, Minnesota, from disposition under the United States mineral and geothermal leasing laws.

BACKGROUND AND NEED FOR LEGISLATION

The Duluth Complex in northern Minnesota, lying beneath Superior National Forest and extending throughout the region, is a world-class mineral deposit containing nearly 8 billion tons of cop-

per, nickel, cobalt, and platinum group metals.¹ These minerals will soon see huge upswings in demand due to their use in battery storage, electric vehicles (EVs), and other rapidly expanding sectors. If developed, the Duluth Complex could constitute 95 percent of U.S. nickel reserves, 88 percent of U.S. cobalt reserves and 75 percent of U.S. platinum-group resources.²

New mining in the region would also promote significant economic development at the local level. Construction of one prospective mine alone would create about 700 direct and 1,400 indirect jobs.³ Additionally, mining jobs offer comparatively high wages, with an average mine worker in Minnesota earning close to \$90,000 compared to around \$21,000 average annual earnings for those in the tourism industry.⁴ The economic benefits would be felt throughout the state, as mineral development provides funding to every school district in Minnesota through the Permanent School Fund.⁵ This Fund has contributed around \$260 million to 337 public school districts over the past decade.⁶

Despite growing international demand for minerals and the economic benefits that new mining could bring to the region, the Biden administration has taken multiple actions to prevent mineral development in the area. In addition to cancelling legally-held mineral rights held by one of the prospective operators,⁷ this administration also issued Public Land Order No. 7917, which took effect on January 31, 2023.⁸ Public Land Order No. 7917 withdraws 225,504 acres of Superior National Forest lands in Minnesota for 20 years.

H. Con. Res. 34 utilizes the authority under the Federal Land Policy and Management Act of 1976 (FLPMA) to convey the disapproval of the House of Representatives regarding the mineral withdrawal of approximately 225,504 acres of National Forest System lands in Cook, Lake, and Saint Louis Counties, Minnesota. Should resolutions of disapproval pass both chambers of Congress, the mineral withdrawal in question would be rescinded. As written in current law, FLPMA resolutions of disapproval do not require presentment to the President to go into effect.

COMMITTEE ACTION

H. Con. Res. 34 was introduced on April 25, 2023, by Rep. Pete Stauber (R-MN). The resolution 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 resolution. On May 17, 2023, the Committee on Natural Resources met to consider the resolution. The Subcommittee on Energy and

¹Mining Minnesota, <http://www.miningminnesota.com/duluth-complex/>.

²Twin Metals Minnesota, <https://www.twin-metals.com/modern-mining/>.

³Twin Metals Minnesota. Staff briefing presentation. September 2019.

⁴Twin Metals Minnesota. Staff briefing presentation. September 2019.

⁵Bloomquist, Lee. "Mining Funds All Minnesota Schools," Mesabi Daily News, June 27, 2018, https://www.virginiamn.com/mine/mining-funds-all-minnesota-schools/article_e0220246-7979-11e8-b515-635cdec50b2c.html.

⁶Bloomquist, Lee. "Mining Funds All Minnesota Schools," Mesabi Daily News, June 27, 2018, https://www.virginiamn.com/mine/mining-funds-all-minnesota-schools/article_e0220246-7979-11e8-b515-635cdec50b2c.html.

⁷Decision of Tommy Beaudreau, Deputy Secretary of the Interior, January 26, 2022, https://www.blm.gov/sites/blm.gov/files/docs/2022-01/2022.01.26%20Twin%20Metals%20Lease%20Cancellation%20Decision_0.pdf.

⁸88 FR 6308.

Mineral Resources was discharged by unanimous consent. The resolution was then ordered favorably reported to the House of Representatives by a roll call vote of 17 ayes to 15 nays, as follows:

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

Date: May 17, 2023

Recorded Vote #: 1

Meeting on / Amendment on: **Favorably reporting H.Con.Res.34 (Rep. Stauber)**, Expressing disapproval of the withdrawal by the Secretary of the Interior of approximately 225,504 acres of National Forest System lands in Cook, Lake, and Saint Louis Counties, Minnesota, from disposition under the United States mineral and geothermal leasing laws.

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				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:	17	15	

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

H. Con. Res. 34 resolves that Congress disapproves of the withdrawal by the Secretary of the Interior of approximately 225,504 acres of National Forest System lands in Cook, Lake, and Saint Louis Counties, Minnesota, from disposition under the United States mineral and geothermal leasing laws.

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:

H. Con. Res. 34, a concurrent resolution expressing disapproval of the withdrawal by the Secretary of the Interior of approximately 225,504 acres of National Forest System lands in Cook, Lake, and Saint Louis Counties, Minnesota, from disposition under the United States mineral and geothermal leasing laws			
As ordered reported by the House Committee on Natural Resources on May 17, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	0	0
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? No	
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H. Con. Res. 34 would reverse the withdrawal of approximately 225,504 acres of National Forest System lands in Cook, Lake, and Saint Louis Counties, Minnesota, from all disposition under the United States mineral and geothermal leasing laws. The Depart-

ment of Interior withdrew the federal land, subject to valid existing rights, for a period of 20 years effective January 31, 2023. CBO estimates that adopting H. Con. Res. 34 would have no budgetary effect.

The CBO staff contact for this estimate is Lilia Ledezma. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

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 resolution is to express disapproval of the withdrawal by the Secretary of the Interior of approximately 225,504 acres of National Forest System lands in Cook, Lake, and Saint Louis Counties, Minnesota, from disposition under the United States mineral and geothermal leasing laws.

EARMARK STATEMENT

This resolution 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, H. Con. Res. 34 contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

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

Duplication of Existing Programs. This resolution 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 resolution over state, local, or tribal law is intended to be consistent with the resolution'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. Con. Res. 34 would make no changes in existing law.

DISSENTING VIEWS

H. Con. Res. 34 would express disapproval of the Secretary of the Interior's mineral withdrawal of acres of the Superior National Forest to protect the Boundary Waters Canoe Area Wilderness—a broadly supported withdrawal to protect the most visited wilderness area of the country. The resolution attempts to invoke a provision of the Federal Land Policy and Management Act of 1976 (FLPMA), section 204(c), that purports to allow for a legislative veto of an administrative withdrawal of more than 5,000 acres without the need for compliance with the Presentment Clause of the United States Constitution. This use of the FLPMA provision is blatantly unconstitutional and therefore would have no effect. Committee Republicans have declined from offering any reasoning to the contrary.

RAÚL M. GRIJALVA,
Ranking Member.

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