

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

May 20, 2024

The Honorable Bruce Westerman
Chairman
Committee on Natural Resources
U.S. House of Representatives
Washington D.C. 20515

Dear Chairman Westerman:

We write to request that you include mining companies with foreign ties in your ongoing investigation into the influence of foreign principals on U.S. policy. Mining companies with foreign funding, significant amounts of foreign shareholders, and/or foreign parent companies are lobbying to undermine U.S. law and policy that protects our environment, economy, and national security. Specifically, these companies are exploiting loopholes in the Foreign Agents Registration Act (FARA) that allow them to evade serious scrutiny of their work on behalf of foreign principals.

FARA requires agents of foreign principals who are engaged in political activities or other listed activities to register as a foreign agent and disclose their relationship with the foreign principal, as well as activities, receipts and disbursements in support of those activities.¹ Foreign principals include “a partnership, association, *corporation*, organization, or other combination of persons organized under the law or having its principal place of business in a foreign country” (emphasis added).² An agent of a foreign principal is an individual or organization who directly or through any other person “within the United States represents the interests of such foreign principal before any agency or official of the Government of the United States.”³

According to the Department of Justice (DOJ), U.S. companies with foreign ties may be required to register under FARA.⁴ However, it is possible they would qualify for an exemption under FARA if their “activities are directly in furtherance of the *bona fide* commercial, industrial, or financial operations of the foreign corporation.”⁵ They may also qualify for an exemption if they

¹ U.S. Department of Justice, “Foreign Agents Registration Act.” <https://www.justice.gov/nsd-fara>

² FARA (22 U.S.C. §611(b)(2))

³ FARA (22 U.S.C. §611(c)(1)(iv))

⁴ U.S. Department of Justice, “FARA Index and Act.” <https://www.justice.gov/nsd-fara/page/file/1179716/dl>

⁵ Ibid.

simply register under the Lobbying Disclosure Act (LDA).⁶ Both exemptions allow foreign principals to influence U.S. policy and law while avoiding the full disclosure requirements facilitated by FARA.

A review of major mining companies with operations in the U.S. reveals several examples of companies that (a) have registered under the LDA, potentially in lieu of registering under FARA, (b) are backed by foreign funders, foreign shareholders and/or foreign ownership, (c) are lobbying to influence U.S. law and policy with implications beyond the immediate impact of their U.S.-based project(s), and (d) have not registered under FARA.

1. Twin Metals

The proposed copper, nickel, cobalt, and platinum mine in northeast Minnesota is owned by a subsidiary of Antofagasta,⁷ a Chilean company repeatedly fined for environmental violations and accused of political corruption in Chile.

Lobbying firms, Brownstein Hyatt Farber Shreck, LLP and Wilmer Cutler Pickering Hale and Dorr, LLP listed only vague descriptions like “mine leasing issues” and “mining issues” when disclosing the subject matter of their lobbying on behalf of Twin Metals.⁸

2. Rio Tinto

Aluminum Corporation of China/Chinalco is a Chinese state-owned enterprise and the largest shareholder of Rio Tinto.⁹ Lobbying firms Avocq, CGCN Group, Smith-Free Group, Holland & Hart, and Torres Consulting, among others, generally listed vague descriptions when disclosing the subject matter of their lobbying on behalf of Rio Tinto, such as “issues related to the 2024 Appropriations, implementation of the Infrastructure Investment & Jobs Act, and H.R. 1351 – the Save Oak Flat from Foreign Mining Act,” as well as “issues related to energy permitting reform, mining, critical minerals, and trade.”¹⁰ Rio Tinto is notorious for environmental, human rights, and labor abuse worldwide.¹¹

⁶ FARA (22 U.S.C. §613(h))

⁷ Twin Metals Minnesota, “Meet Our Parent Company, Antofagasta.” <https://www.twin-metals.com/meet-twin-metals/antofagasta/>

⁸ United States Senate Lobbying Disclosure, Registrations and Quarterly Activity, Client: “Twin Metals.” Accessed May 7, 2024. [Lda.senate.gov/filings/search/client=twin+metals](https://lda.senate.gov/filings/search/client=twin+metals).

⁹ Rio Tinto, “Rio Tinto and Baowu agree to form joint venture to develop Western Range.” September 15, 2022. <https://www.riotinto.com/en/news/releases/2022/rio-tinto-and-baowu-agree-to-form-joint-venture-to-develop-western-range>

¹⁰ United States Senate Lobbying Disclosure, Registrations and Quarterly Activity, Client: “Rio Tinto.” Accessed May 8, 2024. <https://lda.senate.gov/filings/public/filing/7d050c7a-8edb-4ed5-9be2-8ac1dcafb58d/print/>

¹¹ Corporate Research Project, “Rio Tinto: Corporate Rap Sheet.” February 2, 2022. <https://www.corp-research.org/rio-tinto>

3. BHP Group

Rio Tinto and BHP, an Australian company, are joint owners of Resolution Copper, a proposed mine in Superior, Arizona on the site of Oak Flat, a location considered sacred to the San Carlos Apache Tribe and other Tribes in the region. There are no assurances that copper from Oak Flat will stay in the U.S. and contribute to meeting U.S. demand. In 2015, a BHP mine was responsible for the collapse of a mine tailings dam in Brazil. Five million cubic meters of iron ore waste and mud rushed downstream, killing 19 people and causing significant environmental destruction.¹²

BHP Group lobbied Congress, the National Security Council, the Department of the Interior, and the Department of Energy on issues “related to the role of critical minerals, including copper, nickel, and potash in the low carbon transition, and securing supply chains, including the Minerals Security Partnership and the Partnership for Global Infrastructure (no bill).”¹³ BHP also lobbies on “environmental and community support issues related to uranium reclamation (no bill number), and issues related to U.S. mining reform and permitting reform efforts (no bill).”¹⁴ Beyond mining, BHP reported lobbying the State Department and National Security Council on “issues related to global anti-corruption policy, including anticorruption issues in Africa and Latin America (no bill)” as well as “issues related to Ukraine reconstruction policy (no bill).”¹⁵

4. Barrick Gold Corporation

Barrick Gold, a Canadian company, is the world’s second-largest gold-producing company and largest gold producer in the U.S.¹⁶ Together with Newmont Mining, Barrick operates Nevada Gold Mines, the largest gold mining complex in the world. In 2022, Barrick was accused of human rights abuses, including extrajudicial killings by police, at their North Mara mine in Tanzania.¹⁷

Barrick Gold’s most recent lobbying disclosures list Barrick Gold of North America, Brownstein Hyatt Farber Shreck LLP, Capitol Tax Partners LLP, and Greenberg Traurig LLP as their representatives. They lobbied the federal government on behalf of Barrick Gold on issues like (1) “Sage Grouse-related conservation issues, permitting, post-closure mine cleanup, domestic mineral production”; (2) “permitting legislation including H.R.1–Lower Energy Costs Act; H.R. 209 – Permitting for Mining Needs Act of 2023; H.R.1355–Transparency Accountability,

¹² U.S. Department of Agriculture, USDA. “Resolution Copper Project and Land Exchange Environmental Impact Statement: Samarco, BHP and Vale Agree to Pay \$5B in Damages for Brazil Mining Disaster.” March 3, 2016.

<https://www.resolutionmineeis.us/documents/boardle-eisenhammer-2016>

¹³ BHP Group, Lobbying Form, Secretary of the Senate Office of Public Records, April 22, 2024. [LD-2 Disclosure Form \(senate.gov\)](#)

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Barrick Gold Corporation, “About Us.” <https://www.barrick.com/English/about/default.aspx>

¹⁷ Al Jazeera, “Tanzanians sue Canada’s Barrick Gold over alleged abuses at mine.” November 23, 2022.

<https://www.aljazeera.com/news/2022/11/23/tanzanians-sue-barrick-gold-in-canada-over-alleged-mine-abuses>

Permitting and Protection of American Resources Act; H.R.3746–Fiscal Responsibility Act of 2023; S.128/H.R.2925–Mining Regulatory Clarity Act”; and (3) “issues related to mercury and uranium.”¹⁸

5. Trade groups

Instead of hiring a lobbying firm directly, some mining companies lobby through a trade group. The National Mining Association (NMA) alone lists over 300 members,¹⁹ some of which have foreign funding, significant percentages of foreign shareholders, and/or foreign ownership. In addition to doing their own lobbying, they hire lobbying firms including Holland & Knight LLP, Integrated Strategy Group, Lot Sixteen LLC, and Raffaniello and Associates to lobby on behalf of the membership on “issues pertaining to clean air and water programs,” “Legislation related to Energy policies/programs; coal and mineral resources related issues,” and “Policies impacting access to federal land and associated permitting for development of domestic mineral resources (i.e., hardrock minerals) including proposed reforms to the General Mining Laws.”²⁰

These mining companies with ties to foreign principals are influencing U.S. law and policy. Earlier this month, the House of Representatives considered a bill that would give foreign mining companies unfettered access to our public lands, create toxic waste dumps on our public lands, and leave working American families with the pollution in perpetuity. There are no guardrails to prevent foreign mining companies from shipping the minerals from our public lands — the minerals we need for the energy transition the world is undergoing — out of the U.S. and to governments like China and Russia. The House of Representatives recently took the rare, extraordinary step of sending the bill back to Committee on a bipartisan vote, specifically for further consideration on the issue of foreign ownership of mines. We were more than disappointed to see such consideration denied when the bill was rushed back to the Floor, particularly in light of your stated concern and that of the Chairmen of the Committee on Homeland Security, the Select Committee on the Chinese Communist Party, and the Committee on Oversight and Accountability about the potential for Chinese mining companies to open mines in tribal lands in Alaska.²¹

These concerns are not going away. We encourage you to conduct a more fulsome version of the investigation you are now conducting about the influence of foreign principals on U.S. law and policy — specifically, we urge you to turn your attention to the deeply troubling evidence of

¹⁸ Barrick Gold of North America, Lobbying Report, Secretary of the Senate Office of Public Records, April 22, 2024. [LD-2 Disclosure Form \(senate.gov\)](#)

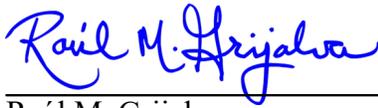
¹⁹ National Mining Association, “About NMA: Member List.” <https://nma.org/about-nma-2/member-list/>

²⁰ United States Senate Lobbying Disclosure, Registrations and Quarterly Activity, Client: “National Mining Association.” Accessed May 7, 2024. [Lda.senate.gov/filings/search/client=national+mining+association.](#)

²¹ Committee on Homeland Security, “Letter to Interior and DHS PRC in Alaska,” March 15, 2024. <https://homeland.house.gov/wp-content/uploads/2024/03/2024-03-15-Letter-to-Interior-and-DHS-PRC-in-Alaska.pdf>

foreign principals evading FARA through mining ventures to influence U.S. policy. We stand ready to assist.

Sincerely,



Raúl M. Grijalva
Ranking Member
Committee on Natural Resources



Melanie Stansbury
Ranking Member
Subcommittee on Oversight
and Investigations



Jared Huffman
Ranking Member
Subcommittee on Water,
Wildlife, and Fisheries