

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

May 2, 2024

The Honorable Bruce Westerman
Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

Dear Mr. Chairman:

I write to you about the remaining work to be done on H.R. 2925, the so-called “Mining Regulatory Clarity Act.”

Our more than 150-year-old mining law is already a disaster for our environment, communities, and tribes. It allows anyone to permanently lock up open public lands by placing four stakes in the ground and paying a laughably nominal fee. Under the antiquated law, the federal government cannot say “no” to a mine even if it will result in environmental and public health harms — and even if the mining company is the instrument of a foreign adversarial government.

Incredibly, H.R. 2925 would make things worse. This bill would allow anyone, even subsidiaries of the state-controlled companies of our foreign adversaries, to claim our open public lands for mining without even requiring them to prove an actual interest in mining on that land. This giveaway would let companies do whatever “mining-related” activity they want on those public lands, including dumping their toxic waste or blocking energy transmission projects.

It is no surprise, then, that we have seen bipartisan concerns about the foreign adversary loophole in our mining law and about the way that H.R. 2925 would widen that loophole. That’s why I have repeatedly offered amendments to prohibit foreign adversaries and other bad actors from exploiting our public lands.¹

And that’s also why, when the House Committee on Natural Resources considered H.R. 2925 as part of a larger bill, a Republican offered a version of one my amendments on this topic² and the Committee agreed to it on a bipartisan basis.³

¹ E.g., <https://docs.house.gov/meetings/II/II00/20230309/115473/BILLS-118-13335-G000551-Amdt-8.pdf> (Grijalva second-degree amendment to H.R. 1335).

² <https://docs.house.gov/meetings/II/II00/20230309/115473/BILLS-118-1335-L000596-Amdt-1.pdf> (Republican second-degree amendment to H.R. 1335).

³ H.R. REP. NO. 118-28, pt. 1, at 55 (2023), <https://www.congress.gov/118/crpt/hrpt28/CRPT-118hrpt28.pdf>.

And that's why, when the Committee considered H.R. 2925 yet again, I offered that amendment again⁴ and we saw that same Republican break ranks and vote for it.⁵

That second time, the amendment was not adopted — which contributed to several Republicans breaking ranks on the House floor and voting with Democrats in favor of Representative Leger Fernández's (D-NM) motion to send the bill back to our committee.⁶ After all, the Congresswoman had clearly stated that her motion was specifically so that the Committee could consider an amendment to address the foreign adversary loophole.⁷

Sending a bill back to committee in this manner is a historic step not seen in more than 32 years.⁸

Now that the bill is back in our committee, I would have hoped this would finally be the end of the road for this toxic mining free-for-all mess of a bill. And it is clearly the bipartisan will of the House that, if this bill is not entirely laid to bed, that at minimum it receive full and careful reconsideration by the Committee on Natural Resources, especially as to the foreign adversary loophole.

Unfortunately, there are already news reports that, in defiance of the House's vote, Republican leaders are exploring options to bring the bill back to the House floor as soon as next week, without any committee process.

We have heard extensively throughout your congressional career about your commitment to “regular order” and your repeated pledges to abide by such principles as Chairman.

Therefore, if Republican Leadership is determined to bring this bill back to the House floor, it is incumbent upon you to stand firm and ensure regular order.

I look forward to you providing the opportunity for Committee Members to participate in a public, open hearing and markup with the opportunity to debate and consider amendments to this historically contentious mining proposal — rather than acquiescing to anyone's attempts to bypass the committee that you chair.

Sincerely,



Raúl M. Grijalva
Ranking Member
Committee on Natural Resources

⁴ <https://docs.house.gov/meetings/II/II00/20240206/116754/BILLS-118-HR2925-G000551-Amdt-3.pdf> (Grijalva second-degree amendment to H.R. 2925).

⁵ H.R. REP. NO. 118-416, at 14–15 (2024), <https://www.congress.gov/118/crpt/hrpt416/CRPT-118hrpt416.pdf>.

⁶ Roll Call 175, 118th Congress, 2nd Session, CLERK OF THE U.S. HOUSE OF REPRESENTATIVES, <https://clerk.house.gov/Votes/2024175>.

⁷ 170 CONG. REC. H2802 (daily ed. May 1, 2024) <https://www.congress.gov/118/crec/2024/05/01/170/75/CREC-2024-05-01-pt1-PgH2797-2.pdf>; *see also id.* at H2804 (show the text of the proposed Leger Fernández amendment).

⁸ Kacper Surdy (@ringwiss), X (May 1, 2024, 5:33 PM ET), <https://twitter.com/ringwiss/status/1785784679490027601>.