

September 3, 2025

Dear Chairman Stauber, Ranking Member Ansari, and Members of the Subcommittee,

On behalf of the undersigned, we write in opposition to HR 4090. This bill codifies provisions of recent Administration mining Executive Orders creating a pretext for prioritizing selected mining projects for expedited permits. To be clear, there is no mining emergency- this legislation and the Executive Orders mainly serve to support mostly foreign mining corporations.

Improving mineral supply chains means fixing the weak links. Improving the mine permitting process means ensuring community rights and consent in order to provide a social license to operate. HR 4090 builds upon the common misconception that mining is the weak supply chain link. Instead, we need to build stronger links of circular economy infrastructure in the midstream and downstream management of energy transition materials. The best way to meet demand is to invest in facilities and methods to recycle, refurbish, reuse, and substitute the materials we already have. The Infrastructure Investment in Jobs Act (IIJA) and the Inflation Reduction Act make important strides toward opening access to recycled materials and reducing our dependence on mined minerals. Congress can further enable mineral supply chain due diligence and tracing systems to encourage higher recycling rates and discourage foreign entities of concern.

As HR 4090 acknowledges, Congress has already invested significant time and resources toward mapping our geological reserves. For example, IIJA funded the United States Geological Survey's Earth MRI to provide data on metals sources, including critical mineral byproducts from current and previous mines, as well as oil, gas, and coal wastes. The data reveals there is no mineral shortage, amid high concentrations and volumes of metals especially in various domestic unconventional feedstocks such as hydraulic fracturing produced fluids, geothermal brines, acid mine drainage, and tailings.

HR 4090's preoccupation with net import reliance misleadingly ignores the science, economics and law. Congress directed USGS to create a scientific methodology for critical mineral designations in the Energy Act of 2020. Net import reliance is but one metric that considers primary production (mining), secondary production (recycled scrap), and apparent consumption. USGS's formula also weighs the potential to source metals from other producing countries accounting for their ability and willingness to supply (so-called "friend-shoring"). HR 4090's narrow focus only on net import reliance misses obvious ways to responsibly secure mineral supply chains from reliable producing countries, technological innovations, and material substitution.

Improvements to the Mine Permitting Process

The fastest way to permit a mine is for Congress to prioritize funding our public lands agencies so they can efficiently perform all their necessary functions, including environmental reviews. In

addition, we urge Congress to update our mining laws to balance public land uses by strengthening community input, protections for watersheds, wildlife habitat, and cultural and historic resources, all of which are necessary for the mining industry's social license to operate.

Unfortunately, HR 4090's push for wholesale deregulation exacerbates deficiencies in the existing mining law and encourages irresponsible development. This risks a project losing its social license to operate, potentially creating future permitting delays. We firmly believe that efficiency and certainty are achievable without sacrificing other critical environmental and cultural values and we urge Congress to seek these solutions instead of moving to scrap what protections we have.

We acknowledge that growing demand for certain materials may require new hardrock mines, including some on public lands. However, there are better ways to source minerals from new mines other than weakening public lands protections. Instead, Congress should enact the Mining Waste, Fraud, and Abuse Prevention Act to modernize the federal mine siting and permitting process. This bill provides a leasing system for hardrock minerals—just like oil, gas, and coal minerals. A lease provides certainty before exploration begins, which will result in more timely and socially acceptable decisions.

Furthermore, IIJA already required the Interior Department to study and identify process improvements to hardrock mine permitting. In response, in September 2023, the Interagency Working Group (IWG) on mining recommended dozens of updates to mining law, regulation, and policy. While HR 4090 would solicit feedback from only the mining industry, the IWG's recommendations were drawn from extensive input from all relevant stakeholders outlining reasonable changes that would deliver a more fair and more certain hardrock mine permitting process to both mine operators and impacted communities. Many of those recommendations were incorporated into the Mining Waste, Fraud, and Abuse Prevention Act including:

- A leasing system for metals, similar to that for all oil, gas, and coal.
- Allowing land management agencies to determine upfront where mining is suitable, avoiding potential conflicts later in the permitting process.
- Mandating notice to Tribes and communities before exploration begins; currently agencies notify the public after receiving a mine plan of operations.
- A fair system of royalties and fees directed toward the IIJA fund for hardrock abandoned mine reclamation.

Finally, HR 4090's misplaced focus on deregulation also loses sight of the fact that mine permit times on public lands remain comparable to those of our allied nations with strong mining sectors. As directed by Congress, the IWG study found that average and median mine permit times span 3 years (when the operator receives a Record of Decision); and roughly 4 years until

surface disturbance activities may begin (after the operator posts a bond). All other time spent bringing a mine into operation is a business- not government- decision.

Ultimately, the IWG found the key to more efficient mine permitting rests with Congress providing full funding to our public lands agencies. This conclusion has been repeatedly confirmed by the Government Accountability Office, independent researchers, and practical experience. Delays in mine permitting primarily result from under-resourced agencies processing incomplete or untimely information provided by permit applicants. To address this, in part, Congress included \$1 billion in the Inflation Reduction Act to support timely and effective environmental reviews across federal agencies.

Conclusion

We respectfully urge you to oppose HR 4090's deregulatory efforts that would exacerbate deficiencies in the existing mining law and result in risks to irreplaceable protected lands, special places, tribal sacred sites, and wildlife. There are common-sense solutions to improve recycling, traceability, and due diligence within our mineral supply chains. Congress should also pass the Mine Waste, Fraud, and Abuse Prevention Act to improve public lands mine permitting. The same metals leasing system that applies to the Eastern and Midwestern United States (and the rest of the world) can create regulatory certainty and more socially acceptable decisions for those same metals mined out West. Additional funding, updated rules, and thoughtful implementation by public lands agencies will also drive mine permitting efficiency. Thank you for your consideration.

Ahmut Pipa Foundation
Black Hills Clean Water Alliance
Center for Biological Diversity
Citizens to Protect Smith Valley, Inc. (NV)
Community Environmental Advocates Foundation
Concerned Citizens Retired Miners Coalition, Superior, Arizona
Earthjustice Action
Earthworks
Emily Mine Information Group (EMIG)
Friends of the Boundary Waters Wilderness
Friends of the Kalmiopsis
Gila Resources Information Project
Grand Canyon Trust
Great Basin Water Network
Greenaction for Health and Environmental Justice
Idaho Rivers United

Jobs to Move America
Kalmiopsis Audubon
Living Rivers
Malach Consulting
Minnesota Center for Environmental Advocacy
Minnesota Environmental Partnership
Multicultural Alliance for a Safe Environment
Natural Resources Defense Council
Northern Alaska Environmental Center
Network Lobby for Catholic Social Justice
New Mexico Environmental Law Center
North Central Wisconsin Mining Impact
Patagonia Area Resource Alliance
Rock Creek Alliance
Save Lake Superior Association
Save Our Cabinets
Save Our Sky Blue Waters
Sierra Club
Sierra Protection Action Network, Community Governance Partnership
Silver Valley Community Resource Center
Sisters of Mercy of Americas Justice Team
Southern Utah Wilderness Alliance
The Wilderness Society
Uranium Watch
WaterLegacy
Wildflower Grp
Weber Sustainability Consulting
Western Shoshone Defense Project