

December 17, 2025

Dear Member of Congress,

The 10 undersigned organizations committed to the swift transition to electrification of the transportation sector write to express our strong opposition to S. 544/H.R. 1366, the Mining Regulatory Clarity Act (MRCA). This legislation would undermine the already outdated and inadequate US mining law and allow for the unchecked exploitation and destruction of America's public lands. We urge Congress to instead pursue solutions that support a secure and sustainable critical minerals supply chain for electric vehicles and other clean energy technologies and ensure safeguards for our public lands and communities.

Mining in the United States is governed by the 1872 Mining Law, which has not been meaningfully updated since its enactment. This law allows mining companies to extract value from public lands while not paying any royalties and lacks protections for communities affected by the toxic waste produced by the mining industry. Mining is an inherently destructive industry, responsible for 45% of toxic releases to air, water, and soil in 2020.¹ Furthermore, many reserves of "critical minerals" are located near Native American reservations. 97% of nickel, 89% of copper, 79% of lithium, and 68% of cobalt reserves and resources in the U.S. are located within 35 miles of Native American reservations.² Managing these resources responsibly means ensuring that mining – if it occurs – is done in ways that have local support and minimize harm. Instead, the MRCA would allow mining companies to act even more unilaterally. Specifically, it would:

1. Allow mining companies the right to claim an unlimited number of mill sites for their operations, which could then be used as dumping grounds for toxic mine waste.
2. Grant mining companies a statutory right to "use and occupy" public lands for any purpose related to a mining plan, regardless of the presence of recoverable minerals or other possible uses of that land.
3. Potentially allow mining companies to claim land under the 1872 mining law without having to provide evidence that mineral resources (the basis for the claim) exist on said land.

These provisions do not help the mining industry operate in a cleaner, less impactful manner. Instead, they remove guardrails in order to allow the industry to operate however it wishes – on land owned by the people of the United States. Furthermore, they could be easily weaponized to block clean energy development and other land uses.

We also reject arguments that the MRCA is necessary to support the national security of the United States or the clean energy economy. The United States does indeed need to onshore

¹ Toxics Release Inventory—What is it? (n.d.). Earthworks. Retrieved May 19, 2023, from <https://earthworks.org/issues/toxics-release-inventory-what-is-it/>

² Mining Energy-Transition Metals: National Aims, Local Conflicts. (2021, June 3). <https://www.msci.com/www/blog-posts/mining-energy-transition-metals/02531033947>

significant elements of the critical mineral supply chain, which China currently dominates; however, this bill does not address the most significant gaps in US capacity, and it simultaneously precipitates a race to the bottom.

Processing, for example, is the largest gap in US capacity.³ However, mining more critical minerals domestically will not automatically equate to increased domestic processing capacity. While generational investments made by the Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA) started to build up domestic processing, the current administration has done its best to undermine them. This makes actions ostensibly intended to support domestic mining – such as MRCA – largely meaningless from a national security perspective.

Furthermore, if the national security goal is to develop alternatives to China's mining and processing, there should be a commensurate human security goal. The race to secure rare earths should not be a race to the bottom for health and environmental protections. Unfortunately, MRCA is a step in that direction.

The much-needed transition to EVs and more broadly a clean energy economy provides an opportunity to ensure a more sustainable supply chain for minerals. For too long, the mining industry, like many others, has driven inequality and destroyed communities rather than creating shared prosperity. The MRCA risks continuing on the same path. For this reason and those above, we urge you to oppose the MRCA and consider the following solutions instead:

1. Take action to build a robust circular economy through recycling and repurposing to reduce the need for virgin material extraction and increase the supply of more responsibly sourced materials.
2. Reform the General Mining Law of 1872 to ensure mining companies are held to the highest environmental, human rights, and labor standards. Mining reform should allow for better oversight of mines to ensure compliance with standards, protection of sensitive ecosystems, and cleanup of old mine sites. Real community engagement and robust oversight will reduce conflict over mines and lessen permitting times, not increase them.
3. Take action to uphold Indigenous peoples' right to Free, Prior, and Informed Consent, as guaranteed by the United Nations Declaration on the Rights of Indigenous Peoples. As noted above, this would decrease conflict over mines, rather than increase it.
4. Promote the use of robust community benefits agreements and due diligence mechanisms that protect communities from environmental harm and ensure that workers have safe, high-road jobs and a free and fair chance to join a union and collectively bargain.
5. Require mining companies to pay a fair royalty when they extract publicly owned mineral resources.

Sincerely,
Acterra: Action for a Healthy Planet

³ Ibid.

Earthjustice Action
Earthworks
Environmental Law & Policy Center
GreenLatinos
League of Conservation Voters (LCV)
Natural Resources Defense Council
Plug In America
Public Citizen
Sierra Club