

September 24, 2026

RE: Remove Anti-Environmental Riders from the NDAA

The Honorable Roger Wicker
Chairman
Senate Armed Services Committee
228 Russell Senate Office Building
Washington, DC 20510

The Honorable Mike Rogers
Chairman
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

The Honorable Jack Reed
Ranking Member
Senate Armed Services Committee
228 Russell Senate Office Building
Washington, DC 20510

The Honorable Adam Smith
Ranking Member
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

Dear Chairmen Rogers and Wicker and Ranking Members Smith and Reed:

We write to urge you to remove several harmful, controversial, and extraneous anti-environmental provisions included in the House and Senate versions of the National Defense Authorization Act (NDAA) for Fiscal Year 2027 ([H.R. 8800](#) & [S. 4784](#)). Once again, the NDAA is being used as a vehicle to advance measures that are unrelated to national security, attack core environmental laws, and are political in nature. Not only are these sections harmful to the health of our communities and environment, they will also make it harder to pass a final NDAA in already partisan times. We ask that you work to remove these threats from any final package and oppose any other provisions that would undermine fundamental environmental protections.

The anti-environmental riders, detailed below, would undermine states' rights in order to benefit a pipeline, subsidize the mining industry, override tribal treaty law, weaken historic preservation law, and allow the administration to continue to make equity stakes purchases and use the Defense Production Act in controversial ways.

Please oppose the following anti-environmental riders in the House NDAA:

Section 1414 of H.R. 8800: This section will take a step towards allowing various federal agencies the ability to stockpile or create reserves of minerals, which is essentially a subsidy for an already overly subsidized industry that generally operates under very permissive environmental standards such as the General Mining Law of 1872. The mining industry has a long toxic history and is still considered the most toxic industry in the U.S. by the EPA.

Section 1735 of H.R. 8800: This section reauthorizes the Defense Production Act (DPA) for the next five years without any sideboards, despite the current administration's significant ongoing abuses of its authorities. Since the beginning of 2025, President Trump has invoked the DPA to attempt to preempt state law to restart an oil pipeline in California, take equity stakes in mining companies, and hand out half a billion dollars to prop up coal-fired power plants and infrastructure. Any long-term reauthorization of this statute must rein in the administration's misuse of the DPA.

Section 1898 of H.R. 8800: This section directs the Department of Defense (DOD) to prioritize sourcing uranium and critical minerals from domestic mines but completely ignores the quality of the mineral deposit as well as the ability and importance of “Friendshoring”, not to mention the impacts to local communities, including tribes, or the local environment, including drinking water, of specific mining projects. Additionally, it completely ignores the value of recycled or reused minerals as a domestic source of critical minerals. With the draconian breadth of the 1872 Mining Law, it is inappropriate to ignore the environmental impacts of mines and alternative sources of critical minerals.

Section 2819 of H.R. 8800: This section exempts certain projects from the National Historic Preservation Act (NHPA) at a time when the Trump Administration is actively advancing sweeping regulations to gut its protections. Section 106 of the NHPA requires federal agencies to consider the impacts of proposed projects on historic properties, including by consulting Tribal Nations and seeking public input on those projects. It does not mandate specific outcomes or provide any entity with veto authority. This section would add a wide swath of military housing projects to the White House, Supreme Court, and U.S. Capitol as exempted from the NHPA. Exempting whole categories of projects from the NHPA strips the law’s basic requirements away entirely, even if proposed projects could affect archaeological sites, Traditional Cultural Places, sacred sites, and historic properties of religious and cultural significance for Tribal Nations.

Section 2835 of H.R. 8800: This section purports to supply a national security justification for the federal government to acquire easements across California-owned lands, including state park and submerged lands, associated with the Santa Ynez Pipeline System and strip California of its legal authority to challenge those acquisitions. This amendment would undermine longstanding state property rights, weaken judicial oversight, and establish a dangerous precedent for using federal eminent domain powers to override state environmental, public trust, and land-management authorities for the benefit of a private company.

Please oppose the following anti-environmental riders in the Senate NDAA Committee Reported Bill:

Sec. 1051 of S. 4784: This section authorizes the Office of Strategic Capital to purchase equity stakes in private companies, allowing the Trump administration to continue its controversial use of equity stakes without meaningful protections for the environment or communities. As the committee report explains, the use of equity stakes and other novel financial tools deployed by this administration have a “high possibility for distorting markets or corruption.” Absent strong sideboards, these deals also risk undermining the federal government’s faithful execution of its statutory obligations around reviewing permit applications, regulating company activities, and enforcing environmental laws, because the government now has a financial stake in the success of specific companies. While Sec. 1051 includes some limitations, such as prohibiting the Department of Defense from owning more than 50 percent of a company, it lacks explicit guardrails that would prohibit members of the administration from financially benefitting from said deals, ensure equity stakes clearly benefit the public and impacted communities, or require Tribal consultation for investments in companies developing projects that impact Tribal Nations.

Section 1054(b) of S. 4784: This sub-section rescinds important sideboards that were adopted as part of last year's NDAA to guide the use of the Industrial Base Fund. The Industrial Base Fund was created as part of the FY2011 NDAA to monitor and expand the defense industrial base, including by addressing key supply chain vulnerabilities. The partisan One Big Beautiful Bill Act (OBBBA), passed last year, appropriated more than \$8 billion to this fund with no strings attached, including \$5 billion solely for critical mineral projects. In response, the FY2026 NDAA included several guardrails on the use of this fund, including sunseting some of its most expansive authorities at the end of 2035 and prohibiting the use of OBBBA funds to carry out those expanded authorities. This sub-section would rescind those sideboards, allowing this administration to take full advantage of OBBBA funding for the Industrial Base Fund to carry out President Trump's mining executive orders and other priorities.

Section 1091(b) of S. 4784: This section would bypass federal court rulings and pending litigation to give J.R. Simplot over 713 acres of culturally important land ceded by the Shoshone-Bannock Tribes from their original Fort Hall Reservation boundaries, where the Tribes retain vested property rights under the Treaty of Fort Bridger. Congress not only ratified the cession of this land in the 1900 Act but also ratified the Tribes' continued treaty rights on these ceded lands. J.R. Simplot seeks to use this ceded land to expand an active Superfund site by 2.4 times its current size and continue dumping radioactive phosphogypsum waste that flows into the Portneuf River and on to the Reservation, and then into the Snake and Columbia Rivers and Pacific Ocean. The rider would not only harm the health and safety of tribal communities but also set a dangerous precedent, opening up public lands derived from cession agreements for sell-offs to private companies.

We ask that you work to remove these pernicious riders in a final package and reject any additional anti-environmental provisions. Thank you for your consideration.

Sincerely,

Alaska Community Action on Toxics
Alaska Wilderness League
All About Adventure
Arizona Mining Reform Coalition
Black Hills Clean Water Alliance
Californians for Western Wilderness
CalWild
Cascade Forest Conservancy
Center for Biological Diversity
Chickaloon Native Village
Chilkat Indian Village (Klukwan)
Citizens to Protect Smith Valley NV
Climate Communications Coalition
Cook Inletkeeper

Earthjustice Action
Earthworks
Endangered Species Coalition
Environment America
Environmental Defense Center
Environmental Protection Information Center (EPIC)
Friends of the Kalmiopsis
Gila Resources Information Project
Great Basin Water Network
GreenLatinos
Healthy Environment Alliance of Utah (HEAL Utah)
Idaho Conservation League
Kids for Saving Earth
Los Padres ForestWatch
Lower San Pedro Watershed Alliance
Malach Consulting
Minnesota Center for Environmental Advocacy
Montana Conservation Voters
New Mexico Environmental Law Center
Northeastern Minnesotans for Wilderness
Northern Alaska Environmental Center
Norton Bay Watershed Council
Ocean Defense Initiative
Okanogan Highlands Alliance
Oregon Natural Desert Association
Partnership for Policy Integrity
Patagonia Area Resource Alliance
Public Citizen
Rock Creek Alliance
Sage Steppe Wild
Save Lake Superior Association
Save Our Cabinets
Save Our Domes
Save Our Parks
Save Our Sky Blue Waters
Save the Scenic Santa Ritas Association
Sierra Club
Southeast Alaska Conservation Council
Southern Utah Wilderness Alliance
Standing Trees
Surfrider Foundation

Susitna River Coalition
Uranium Watch
Washington Wild
Western Shoshone Defense Project
Western Watersheds Project
Wild Cumberland
WildEarth Guardians