

To the office of U.S. Representative Pat Fallon

Re: HR 3872 (119th Congress), To amend the Mineral Leasing Act for Acquired Lands to make that Act applicable to hardrock minerals. • Latest action (2026-09-17): Placed on Senate Legislative Calendar under General Orders. Calendar No. 669.

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Office of record (Congress.gov): 2416 Rayburn House Office Building, Washington, DC • (202) 225-6673

Capped and Accountable Hardrock Leasing for Acquired Federal Lands

The measure, as described from the official record: Increase domestic supply of hardrock minerals such as base metals, precious metals, and gemstones by allowing leasing on federally acquired lands. The current limit ties eligibility to the statute under which each parcel was acquired.

THE PROPOSAL

Congress has power over federal property under Article IV, Section 3, Clause 2, but that power must be used with clear standards, fair process, and respect for the states. The VFA proposal would exercise that power in a limited way. The strongest objection is that opening all acquired lands to hardrock leasing would allow open-ended disposition of public land; the answer is competitive sales, public terms, time limits, bonding, and a sunset so Congress must review results before any extension.

The VFA proposal would keep the goal of the original bill but add clear limits. It would allow competitive hardrock leasing on federally acquired lands under the Mineral Leasing Act for Acquired Lands. Covered minerals would include base metals, precious metals, industrial minerals, and precious and semi-precious gemstones in hard rock. Coal, oil, gas, oil shale, sodium, potassium, sulfur, and materials covered by the Materials Act of 1947 would remain excluded, as the official summary states.

Leases would be competitive, public, and time limited. Interior would publish tracts, minimum bids, rental rates, royalty terms, and bond amounts before each sale. Lease terms would run up to 20 years with possible renewal only after environmental compliance review. Lessees would post reclamation bonds, pay royalties, allow audits, and restore land and water. Revenue and production data by state and mineral type would be published each year.

The proposal would protect rights and the environment. It would preserve valid existing rights and state authority over water rights, mining permits, and land use. It would require environmental review under current law, tribal consultation where treaty or trust interests may be affected, and public notice with comment before leasing. New safeguards would include written lease decisions, notice to competing applicants, and a right to administrative appeal. No land would be sold in fee under this program.

Costs and oversight would be capped and temporary. Spending would be capped and offset first

by rentals, bids, and royalties. Interior would report each year on acres leased, minerals produced, revenue collected, inspection results, and reclamation status. The Government Accountability Office would review fiscal results and compliance. The authority would end after seven years unless Congress renews it after public review.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Effective Date	One year after enactment for new lease applications on federally acquired lands
Enforcement Mechanism	Competitive Interior leases with public terms, reclamation bonds, royalty collection, audits, civil penalties, and suspension for nonpayment or unreclaimed damage; new appeal rights for denied applicants and affected claimants
Funding Amount	Up to \$18 million per year, with program costs offset first by lease rentals, bids, and royalties
Funding Source	Federal lease rentals, bonus bids, and royalties, plus annual appropriations within the cap if receipts fall short
Oversight Body	Department of the Interior with annual public report to Congress and review by the Government Accountability Office
Sunset Years	7 years

CONSTITUTIONAL BASIS

- Article IV, Section 3, Clause 2
- Fifth Amendment Due Process
- Tenth Amendment

Concerns with the measure as written:

- Article IV property power allows leasing rules for federal land, but a broad eligibility change needs clear limits to avoid open-ended disposition without standards.
 - Fifth Amendment Due Process requires notice, fair lease terms, and appeal rights for competing claimants before leases are granted or denied.
 - Tenth Amendment requires respect for state mining, water, and land-use authority on and around acquired lands.
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

VFA assesses the gain for Republicans and conservatives as faster domestic access to base metals, precious metals, and industrial minerals on federally acquired lands, with competitive leases, capped spending, and a sunset that forces review. VFA assesses the gain for Democrats and progressives as uniform environmental review, public royalty reporting, tribal consultation where treaty or trust interests may be affected, and reclamation bonding on acquired lands, so new leasing does not lower existing protections.

Strongest objection, and the answer: The strongest objection is that opening all acquired lands to hardrock leasing would allow open-ended disposition of public land; the answer is competitive sales, public terms, time limits, bonding, and a sunset so Congress must review results before any extension.

CHECK BEFORE RELYING ON THIS

Basis: The Congress.gov summary of H.R. 3872 states the bill would make federally acquired lands eligible for hardrock mineral leasing under the Mineral Leasing Act for Acquired Lands, defines covered hardrock minerals, lists excluded fuels and materials, and notes current limits tied to acquisition statutes such as the Weeks Act. The latest action shown is placement on the Senate Legislative Calendar as Calendar No. 669.

The full bill text and current law were not shown in the official summary. Lease forms, royalty rates, royalty sharing, existing rights, environmental standards, tribal consultation rules, cost effects, and litigation rights should be verified at Congress.gov and in the Mineral Leasing Act for Acquired Lands before action.

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