

News

BCLP LAWYER TESTIFIES BEFORE HOUSE NATURAL RESOURCES COMMITTEE ON MINING LAWS

Aug 06, 2021

BCLP lawyer Jim Cress recently testified before the U.S. House Subcommittee on Energy & Mineral Resources concerning proposed changes to mining law. He was invited to testify as an independent expert on the U.S. Mining Law. It was his third appearance before the House Committee on Natural Resources testifying about proposed domestic mining legislation.

A stated policy goal of the Biden administration, as reflected in the June 2021 White House report “Building Resilient Supply Chains,” is to increase domestic supply of critical minerals and materials needed for a proposed conversion of the U.S. energy system to a renewables-based system to address climate change. But some of the suggested changes, including a proposal to convert the mining claim system to a leasing system, could in fact lead to a dramatic slowdown of this switch to cleaner energy. A new House bill is anticipated this fall proposing major amendments to the Mining Law of 1872.

Cress focused his testimony to the Subcommittee on Energy and Mineral Resources on the issues of a royalty on hardrock minerals and on the proposal to convert the mining claim system to a leasing system.

“Given the huge increase in demand for the de-carbonization of our energy supply and the targeted 2030 reductions in greenhouse gas emissions, now is clearly not the time to replace the Mining Law with a new leasing system that will require many years to implement,” Cress noted in his written testimony. “Much more limited transitions of individual minerals from Mining Law to mineral leasing, even simply closing lands to new claims under the Mining Law, have resulted in years or decades of delay and legal uncertainty. Even relatively minor changes to laws for coal, oil shale and other minerals already in the leasing system have resulted in years or decades of regulatory rulemakings, planning efforts, uncertainties and court challenges.”

At BCLP, Cress has specialized for more than 30 years in U.S. and international mining law. He maintains an active natural resources practice advising mining companies and landowners, including Alaskan Native corporations, in negotiating royalties, leases and other agreements for numerous minerals. He advises clients on royalty compliance for private, federal and state royalties

and mineral severance taxes. He has been invited to testify before Congress repeatedly as an expert on the U.S. Mining Law and mining royalties.

In his international mining practice, Cress has evaluated foreign mining laws, mining agreements, and mining royalties and taxes, and has negotiated royalty and mining agreements with governments and third parties in a number of countries in Asia, Europe, South America and Africa. He helped draft the International Bar Association Mining Law Committee's Model Mine Development Agreement, an example template for a mining agreement between a developing country government and mining company that includes provisions for community and indigenous peoples' consultation. He was a principal negotiator for international mining companies in the development of the form of Financial or Technical Assistance Agreement (FTAA) used for large-scale mining investments in the Republic of the Philippines. He frequently lectures in international and domestic mining law, communities and sustainable development, including at the University of Denver Sturm School of Law and Western Colorado University.

[Click here](#) to read his written testimony to the Subcommittee on Energy & Mineral Resources, which was streamed live on July 27. Cress also [was quoted June 8 by Bloomberg](#) on the White House's recent critical minerals report.

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