

Recommendations for Higher Federal Standards and Better Due Diligence for Mining Projects

1. **Require applicants for federal assistance and project sponsors to provide evidence of ongoing, lifecycle, gender-responsive Human Rights and Environmental Due Diligence (HREDD)** in alignment with the UN Guiding Principles on Business and Human Rights (UNGPs), their past performance on human rights and anti-corruption, support of collective bargaining, and beneficial ownership information prior to issuing of any award.
2. **Align federal mining reform recommendations with international law and established norms around responsible business conduct**, including the requirement to conduct gender-responsive HREDD, per the Gender Dimensions of the UNGPs to respect the rights of Indigenous and customary land rights holders as stated in key documents ILO 169 and UNDRIP, to respect workers' rights, and transparency and anti-corruption.
3. **Prioritize anti-corruption** and ensure that the corruption risks posed by extraction are recognized and addressed across government and law enforcement agencies, including in engagement with the private sector. Efforts should align with the global Extractive Industries Transparency Initiative (EITI) and take guidance from the OECD FAQ on How to Prevent Bribery and Corruption Risk in Mineral Supply Chains.
4. **Ensure U.S. international partnerships and trade agreements operate under the highest international standards** for HREDD and traceability. This should include a commitment by the Administration and its agencies to not enter a partnership or contract with international institutions, businesses, governments and other entities who fail to meet these standards.
5. **Require U.S. mining companies operating in the U.S. or abroad to undertake intersectional gender-based risk analysis** as part of project lifecycle due diligence processes to understand the specific challenges in their operations that disproportionately impact women, girls, and LGBTQ+ and gender diverse people, especially those who are Indigenous.
6. **Require companies to respect and uphold Indigenous Peoples right to Free, Prior, and Informed Consent (FPIC)** in accordance with Article 32 of the UN Declaration on the Rights of Indigenous Peoples, as well as the individual and collective rights of customary land rights holders.
7. **Require companies to have a clear “zero tolerance” policy on harms to human rights and environmental defenders** and be willing to use their leverage to speak out

in defense of defenders as well as against legal reforms that are aimed at restricting civil society space, including the work of journalists and activists.

8. **Require Project Sponsors execute a Community Benefits Agreement with underserved communities** impacted by the Eligible Project where applicable. DOE should require Project Sponsors to obtain all federal, state, and local authorizations as a condition precedent to executing a Loan Guarantee Agreement.
9. **Prioritize funding for recycling, reuse, and other circular economy projects** above extraction for virgin minerals and materials.
10. **All aspects of a mining project should be considered.** Most importantly this would mean consideration of mining activity even if it has been divorced geographically from its processing facility.
11. **Allocate funds that Indigenous and frontline communities can use** to access and secure their own independent third-party advisors, including legal and technical advisors, who can help them understand key issues, provide advice on legal rights, and support them during consultations and negotiations with mining companies.