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February 26, 2025

House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Gosar and Ranking Member Dexter:

On February 25, 2025, the House Committee on Natural Resources Subcommittee on Oversight and Investigations held a hearing entitled: "Full Blast: Contrasting Momentum in the Space Mining Economy to the Terrestrial Mining Regulatory Morass." I write to you on behalf of Black Moon Energy Corporation, a U.S. company headquartered in Houston, Texas, and request this letter be included in the hearing record.

Black Moon Energy Corporation (BMEC) is a privately funded venture. Our purpose is to advance energy security and sustainability by providing an abundant and reliable supply of Helium-3 for terrestrial fusion energy production reactors. While some companies may do so, BMEC does not seek any government subsidies or grants. In fact, our business model intentionally does not seek out or require any government contracts or government funding. Our only request of the government is a regulatory regime that facilitates, discourages barriers to, and promotes commercial celestial resource extraction and recovery. The law as it is today does that.

Fusion energy – the energy that powers the sun and stars – can produce an essentially unlimited amount of electricity on a footprint thousands of times smaller than renewables. Even better, electricity generated by fusion fueled with Helium-3 supports a massive CO₂ reduction, is totally clean – no greenhouse gases, no carbon emissions, no radioactive waste – and will be cheaper for the consumer. Helium-3 exists in quantity only on the moon, where there is enough to satisfy Earth's energy needs for over 10,000 years. While many companies are engaged in perfecting commercial fusion reactors, Black Moon Energy has developed a profitable plan to delineate and retrieve Helium-3 resources from the lunar surface and bring it to Earth, where it can be sold to replace and supplement fossil fuels used to generate electricity – particularly important as electricity demand is forecast to double in the next 25 years.

In the hearing, questions were raised about the legality of conducting celestial resource extraction and recovery. It is our understanding, consistent with over fifty years of legal interpretation from the U.S. State Department Legal Advisor, across Administrations of both parties, that international law permits commercial exploitation of celestial resources. Furthermore, 51 U.S.C. Chapter 513 explicitly recognizes the property rights of U.S. citizens over any celestial resource recovered and directs the President to remove regulatory barriers and encourage private sector exploitation of



celestial resources. Finally, the Artemis Accords recognize that commercial extraction, recovery, and use of lunar resources is consistent with international law, including the Outer Space Treaty. The Artemis Accords also provide for the notification and establishment of “safety zones” around commercial lunar operations, providing protection for personnel, equipment, and operations from harmful interference.

In the hearing, competition with China in commercial celestial resource activities was raised. Ever since Apollo 11, the U.S. has prided itself on unmatched leadership in space exploration and utilization. As it stands today, China has recently extracted samples of Helium-3 from the lunar surface and is simultaneously investing heavily in its fusion energy infrastructure. As adversarial nations like China continue to expand their space operations, maintaining U.S. superiority in the stars has never been more essential. Strategic advantages, national security interests, and legitimacy in international affairs all lay in the balance of maintaining competitiveness in the future of the space race: resource extraction. Pursuing the American extraction of lunar Helium-3 to keep pace with our competitors is thus not an “if” or “when,” but a “now.”

In closing, I highlight for the Committee that supporting the U.S. commercial space industry has historically been a bipartisan Congressional endeavor, including in the 2015 Commercial Space Launch Competitiveness Act, the Act that codifies U.S. citizen property rights over any celestial resources recovered. I encourage the Committee to continue to support the U.S. space industry with law and policy that encourages investment and removes obstacles to commercial recovery of space resources.

Thank you for your interest in U.S. commercial extraction and recovery of space resources.

Sincerely,

David Warden

David Warden
CEO