

Testimony for the EMR Legislative Hearing

January 31, 2024

HR 6862 FAST-41

Thank you, Chairman Stauber. Today, we will hear testimony on my bill to ensure that all mining projects receive consideration under the Fixing America's Surface Transportation Act. Title 41 of this act, known as FAST-41, grants numerous departments with NEPA authority the ability to speed up the permitting process for infrastructure projects subject to the National Environmental Policy Act (NEPA) process. The entire reason that Congress passed this law in the first place was to

- improve consultation and coordination among government agencies during permitting;
- increase transparency by publicizing completion dates, timetables, authorizations and environmental reviews for all federal agencies with authority over these projects.
- and most importantly, get shovels in the ground for critical infrastructure projects more quickly and within a reasonable budget.

In 2021, hard rock mineral mining was added as a covered sector under FAST-41 Because it is so crucial to numerous emerging industries and is necessary to maintain our standard of living, safety, and technological superiority. Hardrock mining is crucial for items like copper, which is necessary to build out the transmission and distribution projects Americans will soon rely. We also need it for steel and iron, which builds everything from skyscrapers to cars, bridges to airplanes. Lastly, hardrock minerals are the basis for which critical minerals are mined. Critical minerals are

produced as a byproduct of another, more common, host mineral and are necessary for even the Biden administration's lofty goals surrounding EV's and renewable energy buildouts.

It is strange then that, in September of 2023, the Biden administration proposed a new rule regarding FAST-41 coverage. The rule, titled *Revising Scope of the Mining Sector of Projects That Are Eligible for Coverage Under Title 41 of the Fixing America's Surface Transportation Act*¹, redefines the covered mining sector so as to only cover critical mineral-based mining projects. The administration insists that this will prioritize critical mineral supply chain projects and will improve timeliness, but we know it for what it is: the Biden administration is overreaching in their quest to pursue a radical climate agenda by arbitrarily choosing winners and losers. The Biden administration relies heavily on the products that come from these mines, which makes their decision to shut down mines, such as the Twin Metals Copper Mine in Minnesota, and now the decision to remove mining from FAST-41 consideration, so puzzling.

Aside from the administration's focus on their climate agenda, I am also concerned about continuing to cede leadership in global mining to the Chinese. China has a chokehold on the mining and refining industry, so slowing down the permitting process, will further seed control of supply chains to our geopolitical rival.

"Critical minerals" are defined by the United States Geological Survey and are redefined every 3 years. Companies beginning the lengthy permitting and siting process may find that the mineral they have targeted has been

¹ <https://www.federalregister.gov/documents/2023/09/22/2023-20270/revising-scope-of-the-mining-sector-of-projects-that-are-eligible-for-coverage-under-title-41-of-the>

removed from the USGS list within the timeframe that it took them to apply for the permit in the first placing, wasting millions of dollars and stifling investment.

If we want American mining to flourish, we must compete on a level playing field without the heavy hand of the federal government choosing who wins. Needlessly allowing the Chinese government to continue dominating the mining industry Will only hurt global stability in the long run.

My bill returns hardrock mining to its original covered status under FAST-41 so that we may continue to expedite all mining projects across the U.S, ensuring domestic reliability and continued growth.

I urge all my colleagues to support this bill and look forward to hearing the testimony of the witnesses today on this important bill.