

**Statement of Emily Domenech  
Executive Director  
Federal Permitting Improvement Steering Council**

**House Committee on Natural Resources  
Subcommittee on Energy and Mineral Resources**

**Legislative Hearing on H.R. 1501, H.R. 2969, H.R. 4781, H.R. 5929, H.R. 7126,  
and H.R. 7458**

**February 24, 2026**

Chairman Stauber, Ranking Member Ansari, and distinguished Members of the Subcommittee on Energy and Mineral Resources, thank you for the opportunity to provide testimony on H.R. 1501, H.R. 4781, and H.R. 5929. My testimony will be limited to these three bills and the role that the Federal Permitting Improvement Steering Council (Permitting Council) would play regarding each.

**Background**

The Permitting Council was established in 2015 by Title 41 of the Fixing America’s Surface Transportation Act (FAST-41). The Executive Director serves as the Chair of the Permitting Council, which is otherwise comprised of 13 federal agencies<sup>1</sup> along with the Chair of the White House Council on Environmental Quality and the Director of the Office of Management and Budget. The Office of the Executive Director carries out the duties of the Executive Director, primarily focused on improving the transparency and predictability of federal environmental review and authorization processes by coordinating and publicly posting comprehensive permitting timelines for critical infrastructure projects. The Council also serves as a Federal center for permitting excellence, developing and supporting the implementation of best practices, policies, and technology across federal agencies.<sup>2</sup>

The Permitting Council provides support for projects across its many sectors,<sup>3</sup> including mining which was added by a vote of the Council in 2021. There are 73 projects currently active on the FAST-41 Dashboard reflecting an investment of more than \$60 billion. 42 of those projects are within the mining sector. Many of these projects came to the Permitting Council as a result of President Trump’s March 2025 Executive Order (EO) 14241 “Immediate Measures to Increase

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<sup>1</sup> Deputy Secretary-level designees from the Secretaries of Agriculture, Army, Commerce, Interior, Energy, Transportation, War, Homeland Security, and Housing and Urban Development, the Administrator of the Environmental Protection Agency, and the Chairs of the Federal Energy Regulatory Commission, Nuclear Regulatory Commission, and the Advisory Council on Historic Preservation make up the Permitting Council. 42 U.S.C. 4370m-1(b)(2).

<sup>2</sup> 42 U.S.C. § 4370m-1(c); § 4370m-8(d)(2).

<sup>3</sup> FAST-41 covered projects may be in energy production, electricity transmission, energy storage, surface transportation, aviation, ports and waterways, water resource, broadband, pipelines, manufacturing, mining, carbon capture, semiconductors, artificial intelligence and machine learning, high-performance computing and advanced computer hardware and software, quantum information science and technology, data storage and data management, and cybersecurity sectors. 42 U.S.C. § 4370m(6)(A); 40 C.F.R. § 1900.2.

American Mineral Production.” EO 14241 prompted the Permitting Council to utilize the FAST-41 Dashboard for “transparency” projects for the first time in the agency’s history.

Over 10 years after its statutory creation, the Permitting Council is well positioned to continue to expand its work providing transparency and predictability for the environmental review process. There is ample opportunity to update the role of the Council in supporting large infrastructure projects and we welcome the opportunity to collaborate with Congress to build on our critical work.

**H.R. 1501** – the “*Protecting Domestic Mining Act of 2025*”

The Permitting Council has no concerns with implementing H.R. 1501 as it is currently drafted. EO 14241 identified mining as a priority for national security and directed the Permitting Council to publish additional mining projects to its Dashboard. Since then, the Council has published 52 additional mining projects and has the resources to continue to publish more.

Furthermore, the Permitting Council is statutorily authorized to add additional sectors for eligibility as covered projects by a majority vote of the Council,<sup>4</sup> and in 2021 voted to add mining as a FAST-41 sector.<sup>5</sup> H.R 1501 would effectively codify that vote by the Permitting Council.

H.R. 1501 would also prohibit the Permitting Council from finalizing, implementing, administering, or enforcing a proposed rule that would have revised the scope of “mining” as a FAST-41 sector to apply solely to critical minerals. The Permitting Council published that proposed rule in September of 2023<sup>6</sup> but currently has no intention of finalizing the rule and has taken steps to withdraw the proposed rule. Thus, the Permitting Council has no concern with the prohibition that H.R. 1501 would impose.

**H.R. 4781** – the “*Rare Earth Solutions and Carbon Utilization Enhancement Act of 2025*”

The Permitting Council has no concerns with implementing H.R. 4781 as it is currently drafted. As previously mentioned, the Permitting Council has been directed by executive order to publish additional mining projects to its Dashboard and has the resources to continue to publish more.

As the Permitting Council can already support mining projects as covered projects, H.R. 4781 would effectively remove the \$200,000,000 total investment threshold for certain mining projects. The Permitting Council would still expect any projects covered under this provision to be able to demonstrate the technical and financial ability to construct the proposed project required in a project initiation notice,<sup>7</sup> and thus is comfortable implementing this provision if it is signed into law.

**H.R. 5929** – the “*Critical Minerals Supply Chain Resiliency Act*”

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<sup>4</sup> 42 U.S.C. § 4370m(6)(A).

<sup>5</sup> 40 C.F.R. § 1900.2.

<sup>6</sup> 88 Fed. Reg. 65350 (Sept. 9, 2023).

<sup>7</sup> 42 U.S.C. § 4370m-2(a)(1)(C)(iii).

The Permitting Council has no concerns with the role it would play in implementing H.R. 5929 as it is currently written. While H.R. 5929 would not directly alter the Permitting Council's authorizing statute, it would result in additional covered projects for the Council to publish on its Dashboard that are supported by the Defense Production Act.

The Permitting Council is well positioned to support projects identified under the Defense Production Act. FAST-41 sectors range broadly and include mining, manufacturing, cybersecurity, and numerous other technology-adjacent sectors. Furthermore, the Department of War is a member of the Permitting Council. The Council has the resources and expertise that it would need to effectively publish and assist projects supported by the Defense Production Act.