

Testimony for the record - EMR Legislative Hearing
February 24, 2026
HR 1501 FAST-41

Thank you, Chairman Stauber, for leading this important hearing.

Today, we will hear testimony on my bill to ensure qualified mining projects can be considered for coverage under FAST-41. FAST-41 is Title 41 of the Fixing America's Surface Transportation Act. It is designed to improve coordination and timeliness of federal environmental reviews and authorizations, including reviews conducted under the National Environmental Policy Act, known as NEPA.

Congress created FAST-41 to do three basic things: improve coordination across agencies, increase transparency by publishing clear timelines and required authorizations, and speed up decisions so critical projects can get built without unnecessary cost and delay.

In 2021, the Federal Permitting Improvement Steering Council added mining as an eligible sector under FAST-41. That was the right move. Mining supports the industries that power modern life. It provides copper for power transmission. It provides iron ore and other inputs for steel used in buildings, cars, and bridges. And many critical minerals are produced as byproducts of mining for other metals—materials we need for an all-of-the-above energy strategy, advanced manufacturing, and national defense.

But in September 2023, the Biden administration proposed a rule to narrow FAST-41's mining sector so coverage would apply only to projects involving critical minerals. That approach creates more uncertainty, not less. The list of "critical minerals" is reviewed and updated at least every three years. A company can invest millions developing a project, only to learn—midstream—that the mineral it planned to produce no longer qualifies. That is not a level playing field. That is Washington picking winners and losers.

This is not just an energy or economic issue. It is a strategic one. When we slow permitting here, we push production and refining abroad—often into supply chains dominated by China. On the Foreign Affairs Committee, I see the consequences of that dependency. Weakening American mining strengthens China's grip on key materials and makes our supply chains more vulnerable.

My bill restores mining to the approach Congress intended under FAST-41. It ensures qualified mining projects can access the same coordinated, transparent permitting process and that future administrations cannot undercut the sector through shifting regulatory definitions.

I urge my colleagues to support this bill, and I look forward to hearing from today's witnesses.