Committee on Natural Resources
Subcommittee on Energy and Mineral Resources
Legislative Hearing
1324 Longworth House Office Building
July 21, 2026
10:15AM

- **H.R. 8003 (Rep. Deluzio)**, *"Expanding the Fast Track Act of 2026"*
- **H.R. 9640 (Rep. Wittman)**, *"Earth MRI Reauthorization Act of 2026"*
- **H.R. 9646 (Rep. Hurd)**, "*Quantum-Enhanced Critical Minerals Mapping Act of 2026*"

Questions from Rep. Huffman for Mr. Beightel

1. **Mr. Beightel**, in your testimony you stated that FAST-41 assumes a good faith effort to comply with the law and that the statute does not provide any authority for the Executive Director to force action. Can you expand on that? Do you have recommendations for appropriate authorities Congress could provide the Executive Director to enforce timelines without undermining the thoroughness of environmental reviews?

   Response: FAST-41 is fundamentally an enhanced project-management and interagency-coordination framework. It assumes that project sponsors will provide complete and timely information and that federal agencies will use that information to carry out their statutory responsibilities according to an agreed-upon permitting timetable.

   The statute does impose timetable obligations, but its enforcement mechanisms are principally based on transparency and accountability. When an agency misses an intermediate or final completion date, it must publicly explain the delay, establish an alternative completion date in consultation with the lead or facilitating agency, and submit monthly status reports for posting on the Dashboard until it completes the delayed review or authorization. The Executive Director also reviews certain requests to extend final completion dates by more than 30 days and reports quarterly to Congress on agency compliance. These requirements create visibility and reputational consequences, but they do not authorize the Executive Director to direct an agency to initiate a review, complete a particular analysis, or issue a permit decision.

   That is what I meant when I said FAST-41 assumes good-faith implementation. The framework works best when agencies treat the publicly posted timetable as a genuine management commitment and seek to resolve issues before milestones are missed. Recent schedule changes associated with additional Department of the Interior review procedures for wind and solar projects illustrate the limits of the current structure. FAST-41 can disclose the resulting delays, require explanations, and maintain public accountability, but the Executive Director cannot override the underlying departmental policy or require the responsible bureau to take a particular permitting action.

I do not recommend giving the Executive Director authority to dictate the outcome of an environmental review or authorization. The U.S. Army Corps of Engineers, Bureau of Land Management, and other permitting agencies must retain responsibility for applying the laws Congress has charged them with administering. Nor should FAST-41 establish deemed approvals or require an agency to truncate analysis necessary to support a lawful and defensible decision.
Congress could, however, provide the Executive Director with additional authority to enforce the management obligations associated with FAST-41. Most importantly, if a lead agency fails to establish a coordinated project plan and permitting timetable within the statutory period, the Executive Director could be authorized to publish a presumptive timetable based on the applicable sector-specific performance schedules, available project information, and consultation with the project sponsor and participating agencies. The responsible agencies could propose adjustments where project-specific circumstances warrant them, but they would be required to provide written public justification.

Congress could also strengthen FAST-41's existing dispute resolution process by explicitly authorizing project sponsors to initiate formal dispute resolution proceedings. Doing so would trigger defined timelines for review and escalation by the Executive Director and, where appropriate, the Director of the Office of Management and Budget and the Chair of the Council on Environmental Quality. Project sponsors that elect to participate in FAST-41 do so with the expectation that the program will provide the transparency, predictability, and accountability that distinguish it from the traditional permitting process. When those expectations are not met, sponsors should have a clear statutory mechanism to request timely resolution of disputes affecting the permitting timetable.

These authorities would not dictate whether an agency approves or denies a project, determine the substance of an environmental analysis, or reduce opportunities for public and Tribal participation. They would instead ensure that every covered project receives what FAST-41 promises: an actively managed, publicly accountable process with a comprehensive schedule, clear agency responsibilities, and timely escalation when the process breaks down.

2. **Mr. Beightel**, you identified the Permitting Council's fee authority as one way to ensure that the Council and agencies have the resources they need to support additional projects seeking FAST-41 coverage. Why would a project sponsor choose to pay a fee for a process in which the Executive Director has no authority to ensure that the permitting timeline is maintained?

   Response: Admittedly, the fee authority and a sponsor's willingness to pay such a fee is dependent on the process delivering results. You are correct to question whether a sponsor would choose to pay any fees if they could not reasonably expect to have the government to follow through on its obligations. I don't believe, however, that this is a FAST-41 problem as much as it is a broader question regarding holding agencies accountable. Legislation such as the CERTAIN Act seeks to address government accountability more broadly, rather than limiting reforms to FAST-41. I believe that government-wide accountability is the preferable approach. However, rather than granting the Executive Director authority to compel substantive permitting decisions or direct the outcome of agency reviews, Congress could also strengthen the Executive Director's ability to manage the FAST-41 process itself. Several targeted reforms would increase confidence that project sponsors paying FAST-41 fees will receive the transparency, predictability, and accountability the program is intended to provide:

   - ***Authorize the Executive Director to issue or update schedules when agencies cannot agree.*** FAST-41 is intended to provide active project management and coordinated scheduling across agencies. When interagency negotiations break down or agencies fail to establish a timetable within the statutory period, the Executive Director should have authority to establish a presumptive permitting timetable in consultation with the participating agencies. Agencies could propose modifications based on project-specific circumstances, but the default schedule would remain in effect absent a written justification for departing from it.

   - ***Clarify the Executive Director's standard for approving schedule extensions.*** In practice, Executive Director Determinations approving extensions to FAST-41 permitting timetables have generally aligned with agency requests, and requests are rarely denied outright. One reason is that the statute directs the Executive Director to evaluate the same factors used to establish the original permitting timetable—such as project complexity, agency resources, and environmental sensitivity—rather than whether the delay reflects circumstances that could reasonably have been anticipated or better managed. As a result, Executive

Director Determinations can become focused on whether the project remains complex rather than whether the requested extension itself is justified.

Congress could strengthen schedule discipline by more clearly defining the circumstances under which an extension is appropriate. For example, genuinely new information discovered during environmental review, unforeseen technical issues, or other project-specific developments may warrant additional analysis and corresponding schedule adjustments. By contrast, delays resulting solely from changes in agency policy, internal administrative processes, or additional discretionary layers of review that were not contemplated when the timetable was established should not, standing alone, justify extending a FAST-41 schedule. Requiring the Executive Director to distinguish between project-driven and management-driven delays would reinforce accountability while preserving agency discretion over substantive permitting decisions.

- ***Clarify the responsibility of the Permitting Council members in maintaining schedule discipline.*** The Deputy Secretary or equivalent members of the Permitting Council have few explicit responsibilities under FAST-41. Congress could establish an intermediate level of executive accountability for significant schedule extensions. For example, once cumulative schedule extensions exceed 180 days (or another defined threshold), the responsible Permitting Council member should be required to certify the need for the extension. That certification should identify the reasons for the delay, explain why the delay could not reasonably have been avoided, describe the actions the agency will take to recover the schedule where practicable, and certify that the revised timetable represents the shortest practicable path to completion. Such a requirement would ensure that substantial schedule revisions receive senior departmental attention before escalating to the Office of Management and Budget under the existing statutory framework

Although these reforms would not guarantee a particular permitting outcome, they would strengthen the Executive Director's ability to manage projects in the FAST-41 portfolio and help ensure that sponsor fees produce the transparency, predictability, and accountability the program promises. In my view, project sponsors are willing to pay for certainty, but they are unlikely to pay simply for participation. These recommendations would reinforce process accountability while preserving each agency's responsibility for substantive permitting decisions.