SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES
September 3, 2025 Legislative Hearing on:
H.R. 280, H.R. 1366, H.R. 3872, H.R. 4018, H.R. 4068, and H.R. 4090

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The U.S. Has a Minerals Emergency

President Trump and this Congress are taking urgently needed steps to address the minerals emergency that has developed over the last 30 years as the U.S. mineral exploration and mining sectors have been progressively hollowed out due to:

- The costly, lengthy, and litigious permitting process;
- Over 30 years of threats to eliminate the security of land tenure that is a hallmark of the U.S. Mining Law, including the 9th Circuit's flawed 2022 Mining Law ruling in the flawed *Rosemont*[i] case;
- Numerous administrative and congressional land withdrawals and regulations to restrict mineral activities that have put millions of acres of potentially mineralized lands off limits to exploration and mining and have chilled investment in the U.S. mining sector; and
- The 30-year gap in federal mining and mineral processing R&D resulting from Congress' decision in 1995 to stop funding the U.S. Bureau of Mines.

H.R. 4090, H. R. 3872, and H.R. 1366, three of the bills being considered at today's hearing, take important steps to eliminate some of the factors that have created today's minerals emergency so America can achieve mineral dominance and restore our position as a global minerals leader.

China's Minerals Hegemony Creates a National Security Threat

The scope of the minerals emergency is readily seen by comparing our 1995 minerals import reliance with today's. Using data from the U.S. Geological Survey's (USGS') annual Minerals Commodity Summaries, Figure 1 (all figures are in the Appendix) shows how U.S. reliance on foreign minerals has dramatically increased over the last 30 years. Since 1995, critical minerals imports have skyrocketed.

The alarming increase in the Nation's dependency on mineral imports shown in Figure 1 is not due to a lack of minerals. The U.S. has many of the minerals essential to our economy, and national security. The numerous federal policies imposed since 1995 that discourage mineral exploration and development and put lands with mineral potential off-limits are keys reason the U.S has an alarming dependency on foreign countries for the minerals we need. H.R. 4090, H.R. 3872, and H.R. 1366 seek to reverse many of these problematic policies so the U.S. can tap the Nation's mineral endowment and put us back on the path of becoming a global leader in minerals.

While the U.S. was pursuing policies that discouraged mineral exploration and mine development, China was methodically making strategic global investments in mining, mineral processing, manufacturing products like battery components and batteries made from minerals, and educating

mining professionals. Today, China dominates the world's mineral supplies and products and the human resources required to mine and process minerals. Consequently, the U.S. now faces a minerals emergency that poses serious economic and national security threats.

In its July 2024 critical minerals report, the Government Accountability Office (GAO) illustrates that critical minerals are essential to five key sectors: aerospace, defense, energy, telecommunications and electronics, and transportation. According to GAO's report, the U.S. imports 100 percent of ten critical minerals and 95 percent of the listed Rare Earth Elements, with many coming from China. (See Figure 2.) The national security implications of China's mineral dominance are especially troubling.

Overview of H.R. 4090, H.R. 3872, and H.R 1366

President Trump has taken immediate steps to address the minerals emergency and the country's broken permitting process, which has contributed to this emergency, by issuing numerous Executive Orders (EOs) that include aggressive measures to address the economic and national security vulnerabilities due to the current mineral emergency and to improve permitting. (See Tables 1 and 2 in the Appendix). H.R. 4090 codifies key elements of EO 14154, EO 14241, and selected provisions in other mineral and permitting EOs. H.R. 3872 amends the Minerals Leasing Act for Acquired Lands of 1947 (MLAAL) to clarify that the MLAAL includes leasing and development of hardrock minerals on all acquired lands regardless of the authority used to acquire the lands. As discussed below, this is an important step to facilitate increased exploration and development of the minerals contained in the Nation's acquired lands, which are severely underexplored. H.R. 1366 creates a new kind of mill site that can be used within a Plan of Operations on lands with or without known mineralization that would provide mining companies the flexibility to locate mining claims, mill sites, or both on the same parcel of land. It also creates the Abandoned Hardrock Mine Fund using the annual claims maintenance fees paid for the new mill sites.

The U.S. Mining Law is the Key to Increasing Domestic Mineral Production

The U.S. Mining Law is critical to achieving the objective in Unleashing American Minerals (EO 14154) and the goal of H.R. 4090 to establish the U.S. as the leading producer of hardrock minerals because this law capitalizes on American ingenuity, technical prowess, and entrepreneurial spirit to make the investments necessary to discover and develop minerals. The land use principles that are the hallmarks of the Mining Law including but not limited to self-initiation and security of land tenure are essential to maintaining the Nation's ability to meet future mineral demands, regain mineral dominance, and provide economic and national security. Since its enactment in 1872, the U.S. Mining Law has leveraged private-sector investment in the risky business of looking for minerals, and transformed undeveloped public lands into mines that have provided the minerals needed to win two world wars, build modern society, and continually improve American's standard of living.

Unfortunately, over three decades of Congressional debate about the U.S. Mining Law of 1872 (30 U.S.C. §§ 21a *et seq,* as amended) have taken their toll and contributed to the steady decline in the rate of U.S. mineral discovery and development. In response to longstanding threats to radically change the Mining Law to eliminate the land tenure security necessary to justify investing in U.S. projects, some companies have chosen to avoid the U.S. Instead, they spend their mineral

exploration and development budgets in countries where they have more confidence that an investment of hundreds of millions to billions of dollars won't be rendered worthless by a new law that functionally expropriates their minerals projects. The Ninth Circuit Court of Appeals' wrongly decided 2022 decision in the *Rosemont* litigation has created more uncertainty about land tenure rights under the Mining Law, and has further fanned the flames of the ongoing Mining Law debate, delayed mine permitting, and chilled minerals investment.

Ending the decades-long legislative threat to overhaul this law and the confusion in the wake of *Rosemont*, is essential in reestablishing the U.S. as the leading producer of hardrock minerals – the policy objective of H.R. 4090. Section 4 of EO 14241 directs Congress to "to clarify the treatment of waste rock, tailings, and mine waste disposal under the Mining Act of 1872." In response to this directive, and to correct the Ninth Circuit Court's misinterpretation of the Mining Law, we suggest that H.R. 4090 be expanded to reiterate the following Mining Law principles:

- The U.S. Mining Law has always included the right to use and occupy lands open to location under the Mining Law, whether on or off claims, and with or without a discovery of a valuable mineral deposit, for all "operations" as defined in 43 CFR 3809.5: "*Operations* means all functions, work, facilities, and activities on public lands in connection with prospecting, exploration, discovery and assessment work, development, extraction, and processing of mineral deposits locatable under the mining laws; reclamation of disturbed areas; and all other reasonably incident uses, whether on a mining claim or not, including the construction of roads, transmission lines, pipelines, and other means of access across public lands for support facilities;" and
- The U.S. Mining Law governs lands open to location under the Mining Law that are mineral-in-character, lands that are not mineral in character, and lands where the mineral character has not been determined, and has always authorized placing mine-support facilities on lands regardless of whether they are known to contain minerals, are determined to be nonmineral, or where the mineral character is unknown because the mineral character has not been determined.

H.R. 1366 will Reduce *Rosemont* Uncertainty

H.R. 1366 is designed to reduce the land tenure uncertainty stemming from *Rosemont* by amending Section 42 of the Mining Law to create a new type of mill site, a "Section C mill site," that can be used for mine support facilities within the boundary of an approved Plan of Operations on lands that are mineral-in-character, nonmineral, or where the mineral character has not been determined. Section C mill sites would allow mine operators to locate this new type of mill site on the same tract of land with a previously established lode or placer mining claim regardless of the mineral characteristics of the lands in question.

Many mineable ore bodies are surrounded by a halo of lower grade, mineral-in-character lands that may become economic to mine in the future at higher mineral prices or with improvements in mining and mineral recovery technologies. In these geologic settings, there is rarely a bright-line separation between lands that are mineral-in-character and nonmineral lands. The H.R. 1366 Section C mill site–mining claim dual configuration could be useful in these geologically common situations. For example, this dual configuration could be used where mine waste management or other mine support facilities are located on the surface of lands overlying underground mining

operations and where mined rock storage facilities that contain low-grade mineralization are built adjacent to open-pit mines. H.R. 1366 would reduce the Mining Law uncertainty created by *Rosemont* and is critically important to achieving the Nation's objective to increase domestic minerals exploration and production and reduce our dangerous reliance on foreign minerals.

H.R. 1366 also creates a long-awaited and much needed Abandoned Hardrock Mine Fund using the annual claims maintenance fees paid for the Section C mill sites. The mining industry has supported creating an abandoned mine reclamation fund for many years, suggesting that the claims maintenance fees paid for all mining claims and mill sites in excess of the funds needed for BLM's Mining Law administration program be earmarked for an abandoned mine reclamation fund. The fund proposed in H.R. 1366 is a step in the right direction towards establishing this important fund.

Solving America's Minerals Emergency Requires Increasing Minerals Exploration

Responding to America's minerals emergency must begin with substantially increasing mineral exploration and the rate of discovery of domestic mineral deposits that can become future mines. Without more exploration, the U.S. will remain beholden to foreign countries, including adversaries like China, for the minerals we need.

As shown in Figure 3a, exploration is the first step in the mining lifecycle when mineral deposits that may become future mines are discovered. Without discovery, there can be no mining. Unfortunately, because permitting has become increasingly difficult and more lands have been functionally sequestered, exploration investment levels have shrunk over the past 30 years. Consequently, there has been insufficient exploration and discovery of new mineral deposits to keep a pipeline of soon-to-be developed mining projects full. Instead, the flow of mineral discoveries leading to mine development has slowed to a trickle, which has dramatically inhibited the growth of the Nation's portfolio of future mining operations, resulting in our current reliance on foreign minerals.

Exploring for new mineral deposits is the most time consuming phase of the preproduction mining lifecycle as shown in Figure 3b. A recent S&P Global study found that it took three times longer to discover, explore, and develop mines in the 2020 to 2024 timeframe compared to mines developed between 1990 and 1999, due to extended periods for exploration, permitting and financing.[ii]

The 1999 National Research Council/National Academy of Sciences report, *Hardrock Mining on Federal Lands* states that only about one in 1,000 mineral prospects become an economically viable mine. Consequently, discovering a mineral deposit that can support mine development is a risky endeavor. During the development stage of the mining lifecycle, companies must conduct detailed drilling programs to delineate the extent of a mineral deposit and determine if it is economically and technically feasible to develop the deposit into a mine, with each phase of drilling incorporating previous drilling results. Development typically requires drilling hundreds to thousands of drill holes in phased and sequential programs that take many years and cost several $100 million or more. Metallurgical tests, engineering studies, mine planning, and development of a bankable feasibility study are some of the other investments required to turn a mineral discovery into a mine. In aggregate, the discovery-mine development process can cost more than $1 billion.

Eliminating burdensome sequential exploration permitting will increase mineral production. The repetitive permitting process for mineral exploration drilling projects is a prime example of a regulatory program that needs to be modified to remove a permitting roadblock that can add years to the mineral exploration process because it often inserts gaps in drilling programs that disrupt the progress of discovery and development. This protracted and disruptive process is unwarranted because exploration drilling projects typically involve a limited range of activities that focus mainly on building temporary roads and drill pads, managing drill water and cuttings with sumps or tanks, trenching, and avoiding cultural resources or other potentially sensitive resources. The environmental impacts (mainly surface disturbance) from these projects are short-term and can be fully reclaimed. Moreover, before exploration can begin, project operators must provide BLM or the U.S. Forest Service with financial assurance that guarantees the surface disturbance created by these exploration activities will be reclaimed.

Eliminating repetitive permitting for exploration drilling projects would be an important step in accelerating the discovery of mineral deposits that can become future mines and advance the Nation's goal to become minerals dominant. Although the important steps that the Trump administration and this Congress have already taken to improve permitting are greatly appreciated, pursuant to H.R. 4090 Section 5, two additional steps specifically tailored to expedite mineral exploration and discovery are necessary to accelerate the mine discovery process to create a robust pipeline of mineral deposits that can become future mines:

- Modify existing regulations[iii] to capitalize on the efficiency of the Bureau of Land Management's (BLM's) five-acre Notice program to authorize up to 20 acres of surface disturbance for initial exploration and create an analogous process for projects on National Forest System lands; and
- Create a permit-by-rule process and/or a NEPA Categorical Exclusion for larger exploration projects involving the typical exploration activities discussed above that certify compliance with all applicable environmental regulations and financial assurance requirements.

There is an especially compelling reason to streamline the exploration permitting process on National Forest System lands because according to the U.S. Forest Service, National Forests contain important hardrock mineral resources: "By accident of category and geology, the National Forests contain much of the country's remaining stores of mineral."[iv] Despite their mineral potential, National Forest System lands are underexplored due to regulatory constraints that impede initial exploration activities including preliminary drilling. Many companies avoid exploring for minerals on National Forest System lands due to the expensive and time-consuming permitting process. Consequently, the known mineral potential of National Forests has been virtually written off for the last twenty to thirty years due to the difficulty in securing permits to pursue preliminary exploration drilling projects. As discussed below, hardrock mineral exploration on acquired lands in National Forests in the Midwest, the Southeast, and the East face even more difficult challenges due to the impractical leasing regulations at 43 CFR Part 3500 governing hardrock mineral prospecting and development.

Pursuant to H.R. 4090 Section 5, the Secretary of Agriculture should prioritize revising the 36 CFR Part 228 Subpart A regulations governing hardrock minerals on National Forest System lands subject to the U.S. Mining Law of 1872 to include a Notice-level process for initial exploration

modeled after BLM's process at 43 CFR 3809.300-336. As discussed in more detail below, Congress should make acquired lands open to location under the U.S. Mining Law and the 43 CFR Part 3500 hardrock minerals leasing regulations applicable to acquired lands should be replaced with a regulatory program modeled after BLM's and the Forest Service's surface management regulations for hardrock minerals.

We Urgently Need to Increase Our Knowledge About Where Minerals are Located

The Map Baby Map provision in H.R. 4090 Section 6 would codify the EO directives designed to increase our understanding of where mineral deposits may be located. This is another crucial step in restoring America's mineral dominance because the mineral potential of much of the country's federal lands remains poorly defined due to policy and geologic factors.

The policy barriers to mineral discovery are twofold:

1. We largely stopped looking for minerals in lots of places as permitting became harder and harder and caused project delays that chilled investment in mineral exploration; and

2. More and more lands have been put off-limits to mineral activities through Executive Fiat creating new National Monuments, new regulations and resource management plans that include land use restrictions that functionally exclude mineral exploration and development, and Congressional actions that have designated new wilderness areas and other protected lands where mining is prohibited.

The geologic barriers to discovery include the following:

- Mineral deposits are rare and difficult to find, which is why mineral exploration is so expensive and time consuming;
- Most of the easier-to-find mineral deposits (e.g., the deposits exposed on the surface) have already been discovered – although not all of them have been developed;
- In many areas throughout the country, the rocks that may contain mineral deposits are not exposed on the surface of the land; they are buried by overlying, unmineralized rocks and hidden from view; and
- Exploring for hidden mineral deposits is like looking for a needle in a haystack, which is why the odds of discovering a valuable mineral deposit are so slim and mineral exploration is a risky, time-consuming, and expensive endeavor.

Most mineral activities currently occur in Alaska, Arizona, Idaho, Nevada, Utah, and Wyoming. Although companies continue to look for minerals in these western states, there is minimal investment in mineral exploration and discovery in other states due to years of unfavorable state and federal policies that discourage these activities, even though many states have important known mineral deposits – including critical mineral deposits. There is significant potential for the Map Baby Map program to identify areas with mineral potential in states where there is currently limited mineral exploration and development and where prospective geology is buried beneath unmineralized rocks.

But identifying new mineral deposits is only half of the task at hand. The unfavorable state and local laws and regulations that discourage exploration and mining need to be changed before deposits discovered through the Map Baby Map initiative can be further explored and developed. Recognizing the barriers that some state and local governments have erected to deter exploration and mining, H.R. 4090 Section 5(b)(2), requires the Secretary to perform a nationwide review of state and local statutes, regulations, and ordinances that impede mineral exploration and development. The Secretary's report will shine a spotlight on areas with high mineral potential where state and local policies need to be changed to support mineral exploration of the mineral targets identified by Map Baby Map.

Mapping is the First Step – But Drilling is Still Essential

Map Baby Map is an important initiative that will help identify potentially mineralized areas. In addition to surface mapping, which is exceptionally important, mapping should also include other mapping and research techniques like the geological, geophysical, hyperspectral, geochemical, and topographic mapping programs described on USGS' Earth Mapping Resources Initiative (Earth MRI) website.[v] These mapping tools will provide clues about where hidden mineral deposits may be located and may help find ore deposits that are buried by hundreds to thousands of feet of overlying unmineralized rocks. Ideally, this newly available information will stimulate private-sector investment in exploring some of the potential target areas identified by Map Baby Map.

It is important to understand that although mapping is an important first step, it is not a silver bullet that will lead to fast-track discovery of new mineral deposits. Although mapping will provide important indicators about where mineral deposits may be located, time-consuming and expensive drilling programs and other technical and engineering studies will also be required to confirm the presence of a mineral deposit that might be economic to develop into a future mine. The 1:1,000 odds of making a discovery described above will still apply to the targets identified by the Map Baby Map initiative. Mineral exploration of these mapped areas will be a high-risk endeavor with little guarantee of successfully identifying economically viable mineral deposits.

Mining and Metallurgy Expertise is Needed to Achieve the Policy Objectives in H.R. 4090

The USGS provides important information about mineral resources that focuses on identifying where mineral deposits may be located and their geology. Its primary mission does not include performing the detailed mine planning and metallurgical studies to determine the economic viability of a mineral deposit, the best way to mine it, or how to process the ore to optimize mineral recoveries. These essential components of extracting ores from the ground and recovering metals from them was the mission of the former U.S. Bureau of Mines (USBM), which was housed within the Interior Department, and employed mining and geological engineers, metallurgists, process engineers, and other mining professionals.

From 1910 to 1995, the USBM was the primary federal agency responsible for conducting and coordinating scientific research and disseminating information on the extraction, processing, use, conservation, and recycling of mineral resources. Mining professionals working for the USBM effectively conducted innovative and transformative R&D to improve extraction techniques, environmental sustainability, and worker safety that had broad applicability to metals, coal, and industrial minerals mining.

Since 1995, when Congress decided to stop funding the USBM, the U.S. has lost its position as the global leader in mining, and the Nation's dependency on foreign minerals has skyrocketed. Comparing the 1995 and 2023 net minerals import reliance charts in Figure 1 clearly documents the country's increasing dependence on mineral imports since the demise of the USBM.

The Society for Mining Metallurgy & Exploration's (SME's) September 2024 concept paper, *Why the U.S. Needs a National Materials and Mining Council* describes a new Executive Branch entity similar to the former USBM that would be responsible for providing advice and coordination on minerals and mining issues and charged with performing mining and metallurgical R&D. The key findings in SME's concept paper (Attachment 1) include the following:

- With the demise of the USBM, the U.S. no longer has a centralized federal department or agency with the requisite mining and mineral processing expertise to assist the Executive Branch and Congress in developing coordinated mining policies responsive to the country's mineral needs.
- The absence of a federal minerals entity makes the U.S. less competitive on the world's stage because most nations have a Minister of Mines or a centralized mining authority charged with developing mineral policies to ensure these countries have robust mining industries.
- Federal minerals programs are currently scattered throughout dozens of executive branch departments and agencies in a bureaucratic maze where nobody is fully responsible for ensuring a robust supply of domestic minerals.
- A new, centralized minerals entity in the Executive Office of the President (EOP) should be created immediately to eliminate this inefficient bureaucracy and to reinvigorate the country's mining and mineral processing R&D capabilities.
- Reestablishing a minerals group within the EOP would signal the importance of minerals as the front-end supply chains for all sectors and governmental functions, to ensure consistency across multiple departments and agencies, to reduce inefficiencies and duplication of efforts, and to facilitate the participation of and coordination with cabinet-level executive departments with direct interest in materials and mineral supply chains including the Departments of the Interior, Agriculture, Defense, Commerce, State and others.

By establishing the National Energy Dominance Council (NEDC) in the Executive Office of the President (EO 14213), President Trump has taken an urgently needed step to make minerals and energy a top priority, recognizing they are critical to economic prosperity and national security. The NEDC's mission should be expanded to fill the mining and metallurgical expertise gap that has existed since 1995 when the USBM was disbanded. NEDC staff should include mining engineers, metallurgists, mineral economists and other mining professionals qualified to perform mining and metallurgical R&D and provide mining-related advice to the administration and Congress.

As the country continues to invest in critical minerals projects, it will be important for the Executive Branch to have the necessary mining and metallurgical expertise to evaluate project viability and how to optimize mining and mineral recoveries. NEDC mining and metallurgical experts should also perform R&D on enhancing recoveries of targeted critical minerals from

legacy mine wastes, batteries, and recycled e-waste, all of which require mining, metallurgical, and mineral processing expertise. These are examples of the kinds of broadly applicable, cutting-edge, and transformative research that the federal government should pursue because private-sector research efforts are typically more narrowly tailored to focus on a specific project or e-waste stream. Additionally, Congress needs to enact legislation to codify the NEDC as an office within the Executive Office of the President.

H.R. 3872 Facilitates Hardrock Mineral on Acquired Activities Lands

H.R. 3872 proposes to amend the Mineral Leasing Act for Acquired Lands (MLAAL) to add hardrock minerals to the minerals already listed in the MLAAL. The proposed addition and definition of hardrock minerals proposed in H.R. 3872 is an important step in facilitating exploration and potential development of hardrock minerals on acquired lands, many of which are located in the Midwest, the Southeast and the East where the U.S. Mining Law does not apply. Adding hardrock minerals to the MLAAL will authorize hardrock mineral activities on all acquired lands, regardless of how and when the lands were acquired and the resources enumerated in the statutes authorizing the federal government to acquire the lands.

According to the Congressional Research Service, acquired lands comprise roughly 10 percent of the Nation's 640 million acres of federal land.[vi] Despite the fact that there are known mineral deposits on acquired lands, they have been significantly underexplored and underdeveloped due to the difficulties associated with securing prospecting permits to explore for minerals and to obtain leases to develop the discovered minerals. As shown in Table 3 (in the Appendix), in 2018, roughly 50,000 acres – only 0.08 percent – of the 64 million acres of acquired lands were being explored and developed for minerals – mainly in Missouri.

H.R. 3872 responds to the urgent need to update the MLAAL to facilitate mineral exploration and development of hardrock minerals on acquired lands. However, adding hardrock minerals to the MLAAL is not enough to fix the 75-year-old hardrock minerals leasing program which has failed to produce meaningful quantities of minerals or generate federal royalty payments. In Fiscal Year 2018, seven mines on acquired lands generated just $8.7 million in federal royalty payments.[vii] The federal minerals leasing program on acquired lands functionally sequesters the minerals endowment on the Nation's 64 million acres of acquired lands and creates a *de facto* minerals withdrawal that must be lifted before production of the important mineral resources on acquired lands can become part of the solution to the current minerals emergency.

The 43 CFR Part 3500 leasing regulations governing hardrock mineral activities on acquired lands are fundamentally incompatible with the complex geology typical of most hardrock mineral deposits. These regulations impose permit duration limits and acreage restrictions that severely restrict the permittee's ability to conduct the iterative, time consuming and technically challenging exploration drilling needed to find a one-in-one-thousand, "needle-in-the-haystack" economically viable mineral deposit. Consequently, there is very little exploration and development of hardrock minerals on acquired lands. Although Secretary Burgum recently eliminated the unworkable time limits and acreage restrictions, more needs to be done to align the interests of the federal government and the lessee to encourage mineral exploration and development and to unlock the hardrock mineral potential on acquired lands. Congress should consider making acquired lands subject to the self-initiated claims system in the U.S. Mining Law, which has a demonstrated

history in the western U.S. of stimulating private-sector investment in mineral exploration and development. Mineral activities on acquired lands could then be governed by regulatory program modeled after BLM's and the Forest Services' surface management regulations for locatable minerals.

Make the NEPA Process Sensible Again

McKinsey & Company's recent permitting report, *Unlocking U.S. federal permitting: a sustainable growth imperative,*[viii] finds that the National Environmental Policy Act of 1969 (NEPA) causes permitting delays, excessive costs, and litigation. According to the McKinsey report, each dollar takes an average of about four to five years to move through the permitting process, meaning that in aggregate, "$1.1 trillion to $1.5 trillion of infrastructure capital expenditure is currently in federal permitting, costing stakeholders billions of dollars in lost revenue and withholding project benefits, including increased GDP, increased power generation capacity, lower carbon emissions, and opportunities for public transit." As shown in Figure 4, the McKinsey report found that it takes more time (eight to nine years) for mining dollars to move through the permitting process than any other industry sector or type of project. McKinsey estimates that reducing federal permitting timelines by only one year could unlock a minimum of $22 billion in returns on invested capital among projects seeking approvals.

In an effort to make Environmental Impacts Statements and Environmental Assessments less vulnerable to litigation, NEPA documents have evolved over the years to become increasingly complex and taking years to prepare. NEPA delays and litigation make securing federal permits for new mines, renewable and conventional energy projects, transmission lines, pipelines, roads, and other essential infrastructure difficult and risky. The broken NEPA process cannot respond to the skyrocketing demand for minerals and is a key reason why the U.S. is dangerously reliant on the foreign minerals essential to our economy and national security.

What was enacted as a procedural statute to consider the environmental effects of a federal action has become a hotbed of litigation as plaintiffs' attorneys routinely wage NEPA lawfare to delay and stop proposed projects. According to the Breakthrough Institute,[ix] when an agency's NEPA decision is challenged, NEPA litigation adds approximately four years to a project's timeline. Plaintiffs' unsuccessful track record of losing roughly 80 percent of their NEPA lawsuits underscores the meritless and disruptive nature of these cases.

Pursuant to H.R. 4090 Section 5(b)(i), it is critically important for Congress to enact further amendments to NEPA, such as those proposed in the bipartisan *Standardizing Permitting and Expediting Economic Development (SPEED) Act* (H.R. 4776) that Chairman Westerman and Representative Golden recently introduced. Because NEPA currently stands as a barrier to building essential infrastructure and achieving energy and mineral dominance, the NEPA amendments proposed in the SPEED Act are needed to remove the threats NEPA currently poses to all industry sectors and to our economic wellbeing and national security.

WMC applauds the SPEED Act's proposed codification of the key findings in the Supreme Court's May 2025 landmark NEPA ruling in *Seven County Infrastructure Coalition v. Eagle County, Colorado,* 145 S. Ct. 1497 (2025). Of special importance are the provisions to:

- Clarify that NEPA is a procedural statute that prescribes a process but does not mandate particular results, any specific environmental outcome, confer substantive rights, or impose substantive duties beyond procedural requirements;

- Define Reasonably Foreseeable Effects and to restrict the scope of a NEPA analysis to effects that have a close causal, spatial, and temporal relationship to the proposed project or action and are not speculative, attenuated, distant, or future effects or outside the agency's regulatory authority;

- Prevent a court from substituting its judgment for that of the agency regarding the environmental effects of a proposed agency action.

- Establish judicial reforms that clarify that the standard of review is limited to finding an agency action does not comply with NEPA's procedural requirements, to limit judicial remedies in NEPA litigation to remand orders, to proscribe time limits in which an agency must response to a remand order, and to keep final agency actions in effect during the pendency of a remand order; and

- Limit NEPA appeals to within 150 days after a final agency action and to issues and concerns that the Plaintiff raised with specificity during public comments and requiring courts to resolve NEPA cases within 180 days.

Conclusions

Since our inception in 1993, the Women's Mining Coalition has sought federal policies that support domestic mineral production. We have made annual fly-in trips to Washington, DC to meet with Congressional lawmakers and federal agency officials to explain our opposition to legislative and administrative proposals to reduce mining on federal lands. For the past three decades, we have helped defend the mining industry against legislation to gut the U.S. Mining Law and have fought against administrative proposals to put lands off-limits to mining and impose regulatory barriers to mineral exploration and development. During this same timeframe, we have become increasingly concerned about the U.S.' growing reliance on foreign minerals.

Over 30 years of policies and proposed legislation designed to substantially reduce mineral exploration and development on federal lands have weakened the U.S. mining industry, which is greatly diminished compared to the industry prior to the 1990s. The current minerals emergency has developed slowly but steadily during this period of decline. Fortunately, H.R. 4090, H.R. 3872, and H.R. 1366 will help put the U.S. back on a path to regain its position as a global mining powerhouse.

As discussed in this testimony, the Women's Mining Coalition offers the following recommendations:

- Address the uncertainties created by the wrongly-decided *Rosemont* case by: 1) enacting H.R. 1366; and 2) expanding H.R. 4090 to respond to the Mining Law directive in Section 4 of EO 14241 to confirm that the U.S. Mining Law of 1872 provides the security of land tenure needed to increase domestic mineral production and reduce our reliance on foreign minerals, and that

the Mining Law has always authorized putting mine-support facilities on lands open to mineral entry that are mineral-in-character, nonmineral, or where the mineral character has not been determined;

- Create an Abandoned Hardrock Mine Fund using the claims maintenance fees paid for the Section C mill sites proposed in H.R. 1366 and/or a broader fund using the claims maintenance fees paid for all mining claims and mill sites in excess of the amounts needed to pay for BLM's Mining Law administration program;
- Expand BLM's efficient notice process at 43 CFR 3809.300 for early-stage exploration drilling projects, which is currently limited to five acres of surface disturbance, to authorize more than five acres.
- Modify the Forest Service's surface management regulations for locatable minerals at 36 CFR Part 228 Subpart A to include a notice process for initial exploration similar to BLM's process;
- Create an efficient procedure for authorizing larger more advanced exploration projects by developing a Categorical Exclusion or permit-by-rule process applicable to both BLM-administered and National Forest System lands;
- Remove the barriers to mineral exploration and development on acquired lands by making these lands subject to the U.S. Mining Law of 1872 and create regulations similar to BLM's and the Forest Service's existing surface management regulations governing locatable mineral activities;
- Create statutory authority for the NEDC within the Executive Office of the President and expand the NEDC's mission to include performing mining and metallurgy R&D; and
- Enact the *Speed Act* (H.R. 4776) to codify key components of the Supreme Court's decision in *Seven County Infrastructure Coalition v. Eagle County, Colorado* and to establish important judicial reforms to reduce NEPA litigation.

The Women's Mining Coalition applauds Chairman Stauber, Mr. Amodei, and Mr. Fallon for their vision and leadership in introducing H.R. 4090, H.R. 1366, and H.R. 3872 respectively. We appreciate this opportunity to testify and stand ready to work with this Congress and the Trump administration to solve the minerals emergency and restore America to its rightful place as the world's leading minerals producer.

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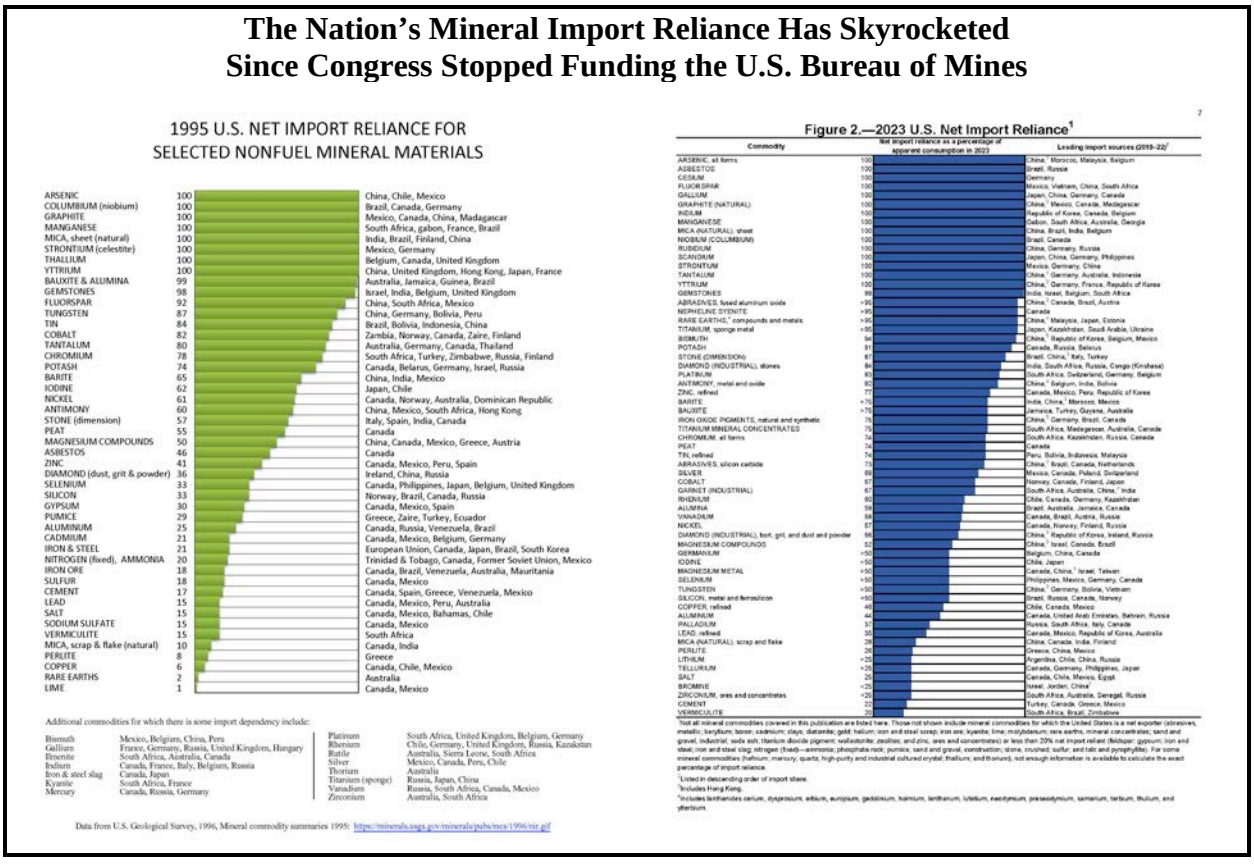
The Women's Mining Coalition (WMC) is a non-profit organization advocating for today's modern mining industry, which is essential to our Nation. Our grassroots organization has members nationwide who work in all sectors of the mining industry including hardrock and industrial minerals, coal, energy generation, manufacturing, transportation, and service industries

APPENDIX

Figure 1: 2023 U.S. Net Minerals Import Reliance versus 1995



The mineral import reliance data shown in Figure 1 are based on the USGS' 1996 and 2023 Minerals Commodity Summaries.[x]

Figure 2
GAO Chart Illustrating Key Industries' Reliance on Foreign Minerals[xi]

Figure 1: The 2022 U.S. list of critical minerals, percentage of the U.S. supply imported in 2022, industries in which each is used, and primary import source

		Key Industries					
Mineral	Percentage from foreign sources[a]	Aerospace	Defense	Energy	Telecommunications and electronics	Transportation (non-aerospace)	Primary Import Source (2018–2021)[b]
Arsenic	100%		●	●	●		China: 57%
Cesium	100%	●	●	●	●		N/A
Fluorspar	100%			●	●		Mexico: 66%
Gallium	100%	●	●	●	●		China: 35%
Graphite	100%	●	●	●	●	●	China: 35%
Indium	100%	●	●	●	●		Republic of Korea: 35%
Manganese	100%	●	●	●		●	Gabon: 67%
Niobium	100%	●	●	●			Brazil: 66%
Rubidium	100%	●	●	●	●		N/A
Tantalum	100%	●	●	●	●		China: 24%
Bismuth	96%		●	●	●		China: 65%
Rare Earth Elements (Cerium, Dysprosium, Erbium, Europium, Gadolinium, Holmium, Lanthanum, Lutetium, Neodymium, Praseodymium, Samarium, Scandium, Terbium, Thulium, Ytterbium, Yttrium)	>95%	●	●	●	●	●	China: 74%
Titanium	>95%	●	●	●			Japan: 89%
Antimony	83%		●	●	●	●	China: 63%
Chromium	83%	●	●	●			South Africa: 37%
Tin	77%		●		●		Peru: 25% (refined Tin)
Cobalt	76%	●	●	●	●	●	Norway: 22%
Zinc	76%		●	●			Canada: 66%
Barite	>75%			●			China: 38%
Tellurium	>75%		●	●	●		Canada: 52%
Platinum[c]	66%	●		●	●	●	South Africa: 24%
Nickel	56%	●	●	●			Canada: 45%
Aluminum	54%	●	●	●		●	Canada: 50%
Vanadium	54%	●	●	●			Canada: 31%
Germanium	>50%	●	●	●	●		China: 54%
Magnesium	>50%	●	●	●	●	●	Canada: 21%
Tungsten	>50%	●	●	●	●		China: 29%
Zirconium	<50%	●	●	●			China: 89% (Zirconium unwrought, including powder)
Palladium[c]	26%	●		●	●	●	Russia: 34%
Lithium	>25%	●	●	●	●	●	Argentina: 51%
Beryllium	<20%	●	●	●	●		Kazakhstan: 43%
Hafnium	—	●	●	●			Germany: 36%
Iridium[c]	—	●		●	●	●	—
Rhodium[c]	—	●		●	●	●	—
Ruthenium[c]	—	●		●	●	●	—

Source: U.S. Geological Survey (USGS), *Mineral Commodity Summaries 2023* (Reston, Virginia: 2023). | GAO-24-106395

[a]U.S. net import reliance expressed as a percentage of apparent U.S. consumption in 2022, a metric developed and calculated by USGS using import data from the U.S. Census Bureau and consumption data from *USGS's Mineral Commodity Summaries 2023*.

[b]Import source percentage from 2018 through 2021, calculated by USGS using import data from the U.S. Census Bureau.

[c]This mineral is a part of the platinum group and the key industries shown are for the group.

Figure 3a
The Mining Lifecycle Starts with Exploration[xii]

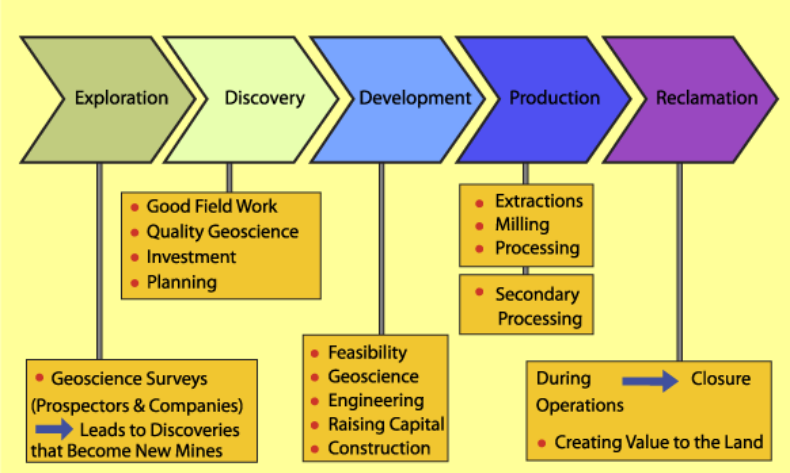


Figure 3b
Discovery-Exploration to Feasibility is the Most Time-Consuming Pre-Production Phase

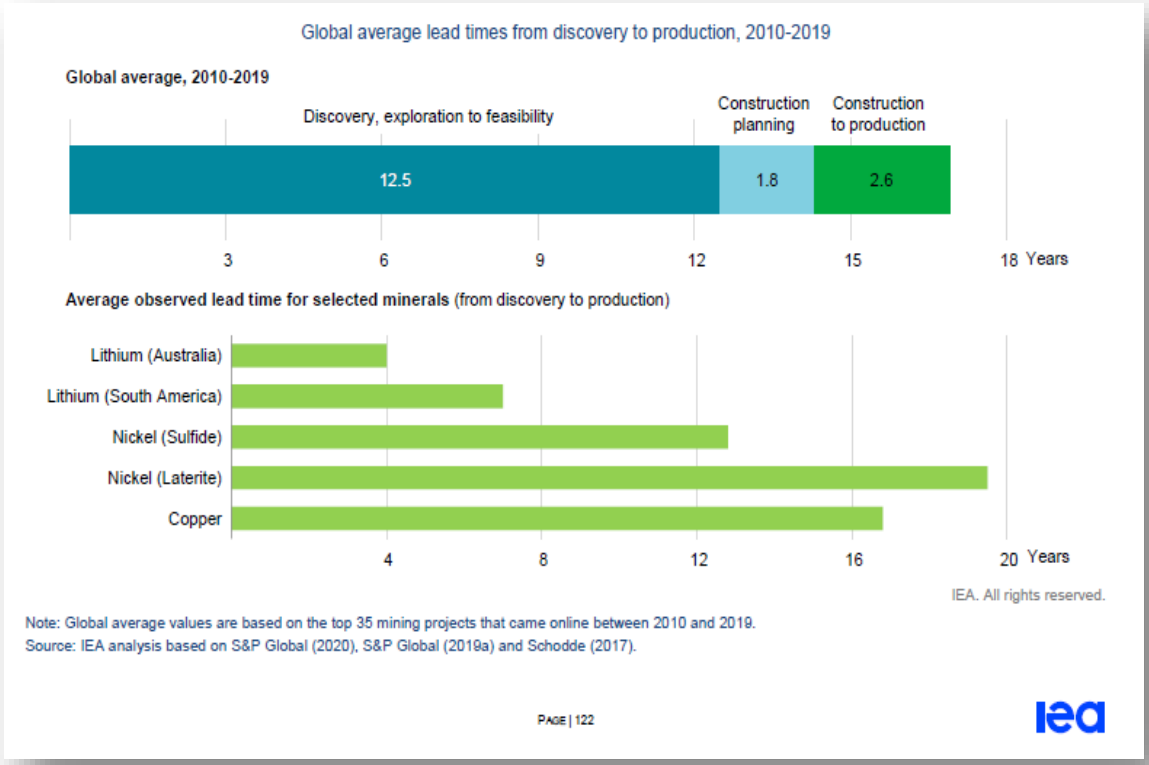
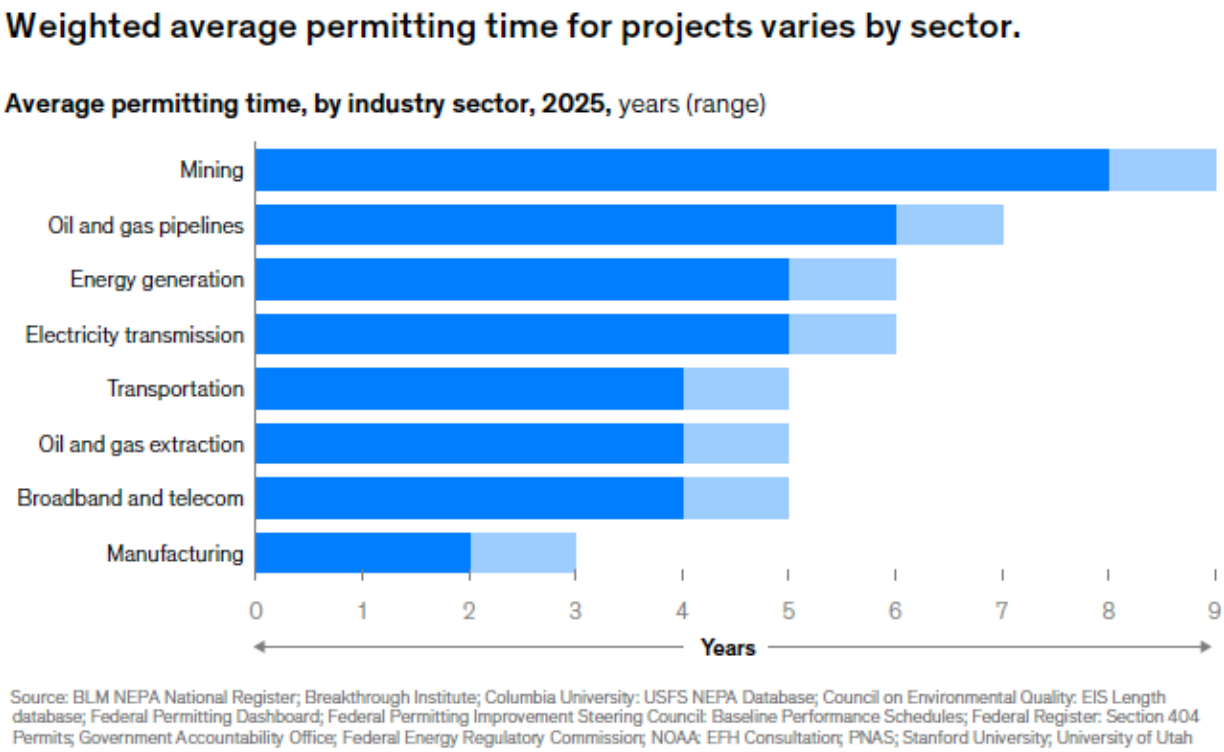


Figure 4
Average Time per Industry Sector for Dollars to Work Through the Permitting Process



https://www.mckinsey.com/industries/public-sector/our-insights/unlocking-us-federal-permitting-a-sustainable-growth-imperative#/

Table 1
President Trump's 2025 Energy and Minerals Executive Orders

Executive Order Number	Executive Order Title
14153	Unleashing Alaska's Extraordinary Resource Potential
14154	Unleashing American Energy
14156	Declaring a National Energy Emergency
14213	Establishing the National Energy Dominance Council
14220	Addressing the Threat to National Security from Imports of Copper
14241	Immediate Measures to Increase American Mineral Production
14272	Ensuring National Security and Economic Resilience Through Section 232 Actions on Processed Critical Minerals and Derivative Products
14825	Unleashing America's Offshore Critical Minerals and Resources
Presidential Memorandum	
June 30, 2025	Simplifying the Funding of Energy Infrastructure and Critical Mineral and Material Projects

Table 2
President Trump's 2025 Permit Streamlining Executive Orders

Executive Order Number	Executive Order Title
14192	Unleashing Prosperity Through Deregulation
14195	Increasing Efficiency at the Office of the Federal Register
14215	Ensuring Accountability for All Agencies
14260	Protecting American Energy from State Overreach
14267	Reducing Anti-Competitive Regulatory Barriers
14270	Zero-Based Regulatory Budgeting to Unleash American Energy
Presidential Memoranda	
April 15, 2025	Updating Permitting Technology for the 21st Century
April 30, 2025	The White Council CEQ Establishes Permitting Innovation Center
June 30, 2025	Fact Sheet: President Trump is Delivering Historic Permitting Wins Across the Federal Government

Table 3
Hardrock Minerals Prospecting Permits and Leases on Acquired Lands[xiii]

State	Number of Leases or Permits	Acres
Hardrock Minerals Leases on Acquired Lands		
Arkansas	6	457
California	1	41
Idaho	1	41
Illinois	1	183
Minnesota	1	5
Missouri	36	33,633
Montana	0	0
North Carolina	1	158
South Carolina	1	1,109
Virginia	1	355
Total	**49**	**35,982**
Hardrock Minerals Leases on Public Domain in MN National Forests		
Minnesota	0	0
Hardrock Minerals Prospecting Permits on Acquired Lands		
Colorado	1	171
Illinois	1	203
Minnesota	2	11
Total	**4**	**385**
Hardrock Minerals Prospecting Permits on Public Domain in MN National Forests		
Minnesota	11	14,046

Endnotes

[i] *Center for Biological Diversity v. U.S. Fish and Wildlife Service*, 409 F. Supp. 3d 738 (D. Ariz. 2019), aff'd, 33F.3d 1202 (9th Cir. 2022)

[ii] https://www.spglobal.com/market-intelligence/en/news-insights/research/from-6years-to-18years-the-increasing-trend-of-mine-lead-times?utm_source=Eloqua&utm_medium=email&utm_campaign=FTI%20Critical%20Minerals%20Newsletter%20-%20August%2015%2C%202025

[iii] BLM's regulations at 43 CFR Subpart 3809 and the U.S. Forest Service's regulations at 36 CFR Part 228 Subpart A.

[iv] https://www.fs.usda.gov/sites/nfs/files/legacy-media/ochoco/Mining%20in%20National%20Forests.pdf#:~:text=By%20accident%20of%20category%20and,States%20of%20Missouri%2C%20Minnesota%2C%20and

[v] https://www.usgs.gov/special-topics/earth-mri/mapping-and-science

[vi] https://www.congress.gov/crs-product/R42346

[vii] Mining on Federal Lands, GAO-20-461R, May 28, 2020, https://www.gao.gov/products/gao-20-461r

[viii] https://www.mckinsey.com/industries/public-sector/our-insights/unlocking-us-federal-permitting-a-sustainable-growth-imperative

[ix] https://thebreakthrough.imgix.net/Understanding-NEPA-Litigation_v4.pdf

[x] https://www.usgs.gov/centers/national-minerals-information-center/mineral-commodity-summaries

[xi] https://www.gao.gov/products/gao-24-106395

[xii] https://novascotia.ca/natr/meb/education/mining-cycle.asp#:~:text=The%20mining%20industry%20operates%20through,Cycle%20provide%20direct%20economic%20stimulus

[xiii] BLM 2023 Public Land Statistics, https://www.blm.gov/sites/default/files/docs/2024-08/Public-Land-Statistics-2023_508.pdf, Accessed on June 22, 2025.