

119TH CONGRESS
2^D SESSION

H. R. 8773

To impose certain conditions on mineral materials sales contracts and free use permits under the Materials Act of 1947 with respect to large-scale mineral extraction projects located near urban communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2026

Mr. WHITESIDES introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To impose certain conditions on mineral materials sales contracts and free use permits under the Materials Act of 1947 with respect to large-scale mineral extraction projects located near urban communities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Containing Effects of
5 Mineral Extraction Act of 2026”.

1 **SEC. 2. REQUIREMENTS FOR CERTAIN MINERAL MATE-**
2 **RIALS SALES CONTRACTS AND FREE USE**
3 **PERMITS.**

4 (a) REQUIREMENTS.—

5 (1) IN GENERAL.—The Secretary may only
6 enter into a mineral materials sales contract with re-
7 spect to, or issue a free use permit for the disposal
8 of mineral materials pursuant to, a qualifying
9 project under the Act of July 31, 1947 (30 U.S.C.
10 601 et seq.; commonly known as the “Materials Act
11 of 1947”) if—

12 (A) the person carrying out the qualifying
13 project—

14 (i) submits to the Secretary—

15 (I) a haul route impact assess-
16 ment for the qualifying project—

17 (aa) jointly developed by the
18 person and the agency with juris-
19 diction over transportation of
20 each State and political subdivi-
21 sion thereof within which the
22 qualifying project will be carried
23 out;

24 (bb) that concludes the
25 qualifying project will not materi-
26 ally degrade the safety or level of

1 service on highways on the haul
2 route; and

3 (cc) that, consistent with ap-
4 plicable laws and other standards
5 relating to air quality and noise,
6 identifies measures that shall be
7 taken to minimize dust, particu-
8 late emissions, and noise impacts
9 on land adjacent to the haul
10 route that is used for sensitive or
11 residential purposes;

12 (II) a trip management plan for
13 the qualifying project that sets limits
14 on—

15 (aa) load staging;

16 (bb) hours of operation; and

17 (cc) debris controls;

18 (III) a water use and conserva-
19 tion plan for the qualifying project
20 that, consistent with applicable State
21 and Tribal laws, ensures the projected
22 annual consumptive use of ground-
23 water and surface water by the quali-
24 fying project will be offset within the

1 same basin through conservation or
2 other feasible measures; and

3 (IV) a rail or lower-impact trans-
4 portation analysis for the qualifying
5 project that evaluates whether rail-
6 served aggregate supply or other
7 lower-impact modes of transportation
8 are feasible for the majority of pro-
9 jected tonnage of the qualifying
10 project; and

11 (ii) demonstrates to the satisfaction of
12 the Secretary that, with respect to the
13 qualifying project, the person—

14 (I) will implement each of the
15 items submitted to the Secretary
16 under clause (i);

17 (II) has coordinated in good faith
18 with affected State, Tribal, and local
19 governments to identify and under-
20 take reasonable haul-route safety and
21 maintenance measures;

22 (III) has acquired all necessary
23 water rights; and

24 (IV) has been issued each re-
25 quired permit under the Federal

1 Water Pollution Control Act (33
2 U.S.C. 1251 et seq.) and the Safe
3 Drinking Water Act (42 U.S.C. 300f
4 et seq.); and

5 (B) the Secretary determines each of the
6 items submitted to the Secretary under sub-
7 paragraph (A)(i)—

8 (i) meet applicable Federal, State,
9 Tribal, and local laws and other standards
10 relating to transportation safety, air qual-
11 ity, noise, and water resources; and

12 (ii) reflect any modification requested
13 by an affected State, Tribal, or local gov-
14 ernment under paragraph (2) that is deter-
15 mined to be reasonable under subpara-
16 graph (B) of that paragraph.

17 (2) MODIFICATION REQUESTS.—

18 (A) IN GENERAL.—A State, Tribal, or
19 local government that is affected by a quali-
20 fying project may submit to the Secretary a re-
21 quest for a modification of the qualifying
22 project.

23 (B) REASONABLENESS DETERMINATION.—

24 If a State, Tribal, or local government submits
25 a request for a modification of a qualifying

1 project under subparagraph (A), the Secretary
2 and the applicable State, Tribal, or local gov-
3 ernment shall jointly select an entity to carry
4 out an independent review of the modification
5 to determine whether the modification is rea-
6 sonable.

7 (b) INCORPORATION OF LOWER-IMPACT TRANSPOR-
8 TATION OPTIONS IN QUALIFYING PROJECTS.—If the anal-
9 ysis submitted to the Secretary under subsection
10 (a)(1)(A)(i)(IV) for a qualifying project demonstrates that
11 lower-impact modes of transportation, including rail, are
12 feasible for the majority of projected tonnage of the quali-
13 fying project, the Secretary shall, where practicable, take
14 into account the incorporation of such modes into the
15 qualifying project in entering into a mineral materials
16 sales contract with respect to, or issuing a free use permit
17 for the disposal of mineral materials pursuant to, the
18 qualifying project under the Act of July 31, 1947 (30
19 U.S.C. 601 et seq.; commonly known as the “Materials
20 Act of 1947”).

21 (c) ENFORCEMENT.—The Secretary may require the
22 suspension of operations under or terminate or revoke a
23 mineral materials sales contract entered into with respect
24 to, or a free use permit issued for the disposal of mineral
25 materials pursuant to, a qualifying project under the Act

1 of July 31, 1947 (30 U.S.C. 601 et seq.; commonly known
2 as the “Materials Act of 1947”) if the Secretary deter-
3 mines, after notice and opportunity to cure, the person
4 carrying out the qualifying project has failed to comply
5 with a requirement of this section.

6 (d) ANNUAL REPORTS.—

7 (1) IN GENERAL.—A person carrying out a
8 qualifying project shall annually submit to the Sec-
9 retary a report regarding the qualifying project, in-
10 cluding, with respect to the preceding year—

11 (A) the volume of groundwater and surface
12 water consumed;

13 (B) the number of truck trips made by
14 commercial motor vehicle; and

15 (C) the implementation of each of the
16 items submitted to the Secretary under sub-
17 section (a)(1)(A)(i).

18 (2) CONFIDENTIAL BUSINESS INFORMATION.—

19 Each report submitted to the Secretary under para-
20 graph (1) and information included in each such re-
21 port—

22 (A) shall be—

23 (i) treated as confidential business in-
24 formation; and

1 (ii) exempt from disclosure under sec-
2 tion 552(b)(3)(B) of title 5, United States
3 Code (commonly known as the “Freedom
4 of Information Act”); and
5 (B) except as provided in paragraph (3),
6 may not be made publicly available.

7 (3) PUBLICLY AVAILABLE SUMMARY.—The Sec-
8 retary shall annually—

9 (A) aggregate the information included in
10 the annual reports submitted under paragraph
11 (1); and

12 (B) publish and make publicly available a
13 summary of such aggregated information.

14 (e) REVIEW.—Beginning 5 years after the date of the
15 enactment of this section and every 5 years thereafter, the
16 Secretary shall—

17 (1) aggregate the information included in the
18 annual reports submitted under subsection (d); and

19 (2) evaluate such aggregated information to
20 identify any recurring effects on transportation and
21 groundwater resources.

22 (f) RULEMAKING.—The Secretary may issue such
23 regulations as are necessary to carry out this section, in-
24 cluding procedures and criteria with respect to—

1 (1) the analysis required to be submitted to the
2 Secretary under subsection (a)(1)(A)(i)(IV); and

3 (2) ensuring the consistency of qualifying
4 projects with applicable State and local require-
5 ments.

6 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion may be construed to duplicate or supersede—

8 (1) the requirements of the National Environ-
9 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
10 or

11 (2) applicable State permitting processes.

12 (h) DEFINITIONS.—In this section:

13 (1) AREAS OF CRITICAL ENVIRONMENTAL CON-
14 CERN.—The term “areas of critical environmental
15 concern” has the meaning given the term in section
16 103 of the Federal Land Policy and Management
17 Act of 1976 (43 U.S.C. 1702).

18 (2) MINERAL MATERIALS.—The term “mineral
19 materials” means mineral materials as the term is
20 used in section 1 of the Act of July 31, 1947 (30
21 U.S.C. 601; commonly known as the “Materials Act
22 of 1947”).

23 (3) QUALIFYING PROJECT.—The term “quali-
24 fying project” means a project to extract mineral
25 materials that—

1 (A) is located—

2 (i) within 25 miles of an urbanized
3 area; or

4 (ii) within or adjacent to areas of crit-
5 ical environmental concern, as determined
6 by the Secretary;

7 (B) is projected by the person carrying out
8 the project or determined by the Secretary to be
9 expected to produce more than 1 million tons of
10 mineral materials in any 1-year period; and

11 (C) has not begun commercial extraction of
12 mineral materials before the date of the enact-
13 ment of this section.

14 (4) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 (5) URBANIZED AREA.—The term “urbanized
17 area” means an area designated as such by the Sec-
18 retary of Commerce, acting through the Director of
19 the United States Census Bureau.

○