

AMENDMENT TO
RULES COMMITTEE PRINT 119–8
OFFERED BY MR. BARR OF KENTUCKY

At the end of title XVII, add the following:

1 **SEC. 17____. TREATMENT OF ACTIONS UNDER PRESI-**
2 **DENTIAL DETERMINATION 2022–11 FOR FED-**
3 **ERAL PERMITTING IMPROVEMENT PUR-**
4 **POSES.**

5 (a) IN GENERAL.—Except as provided by subsection
6 (c), an action described in subsection (b) shall be—

7 (1) treated as a covered project, as defined in
8 section 41001(6) of the Fixing America’s Surface
9 Transportation Act (42 U.S.C. 4370m(6)), without
10 regard to the requirements of that section; and

11 (2) included in the Permitting Dashboard main-
12 tained pursuant to section 41003(b) of that Act (42
13 U.S.C. 4370m–2(b)).

14 (b) ACTIONS DESCRIBED.—An action described in
15 this subsection is an action taken by the Secretary of De-
16 fense pursuant to Presidential Determination 2022–11
17 (87 Fed. Reg. 19775; relating to certain actions under
18 section 303 of the Defense Production Act of 1950) to
19 create, maintain, protect, expand, or restore sustainable

1 and responsible domestic production capabilities for stra-
2 tegic and critical materials through—

3 (1) supporting feasibility studies for mature
4 mining, beneficiation, and value-added processing
5 projects;

6 (2) by-product and co-product production at ex-
7 isting mining, mine waste reclamation, and other in-
8 dustrial facilities;

9 (3) modernization of mining, beneficiation, and
10 value-added processing to increase productivity, envi-
11 ronmental sustainability, and workforce safety; or

12 (4) any other activity authorized under section
13 303(a)(1) of the Defense Production Act of 1950
14 (50 U.S.C. 4533(a)(1)).

15 (c) EXCEPTION.—An action described in subsection
16 (b) may not be treated as a covered project or be included
17 in the Permitting Dashboard under subsection (a) if the
18 project sponsor (as defined in section 41001(18) of the
19 Fixing America’s Surface Transportation Act (42 U.S.C.
20 4370m(18))) requests that the action not be treated as
21 a covered project.

