

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

At the appropriate place in subtitle A of title XVII,  
insert the following:

1 **SEC. 17\_\_\_\_. ACCELERATION OF DESIGNATED CRITICAL AR-**  
2 **TIFICIAL INTELLIGENCE INFRASTRUCTURE**  
3 **PROJECTS.**

4 (a) IN GENERAL.—Title III of the Defense Produc-  
5 tion Act of 1950 (50 U.S.C. 4531 et seq.) is amended by  
6 adding at the end the following:

7 **“SEC. 306. ACCELERATION OF DESIGNATED CRITICAL ARTI-**  
8 **FICIAL INTELLIGENCE INFRASTRUCTURE**  
9 **PROJECTS.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) COVERED PROJECT.—The term ‘covered  
12 project’ means a project to construct, expand,  
13 repower, or reopen critical artificial intelligence in-  
14 frastructure.

15 “(2) CRITICAL ARTIFICIAL INTELLIGENCE IN-  
16 FRASTRUCTURE.—The term ‘critical artificial intel-  
17 ligence infrastructure’ means—

1           “(A) one or more data centers or high-per-  
2           formance computing facilities with a total con-  
3           nected electrical load of not less than 50  
4           megawatts that is primarily dedicated to the  
5           training, development, or inference of artificial  
6           intelligence or other machine learning models;

7           “(B) any dispatchable baseload electric  
8           generation facility—

9                   “(i) with a nameplate capacity of not  
10                  less than 100 megawatts;

11                  “(ii) capable, without regard to re-  
12                  strictions on use imposed solely for reasons  
13                  other than engineering design or physical  
14                  capability, of providing firm, dispatchable  
15                  capacity and continuous electric service for  
16                  not less than 90 percent of the hours in a  
17                  typical calendar year; and

18                  “(iii) is contractually committed, in  
19                  whole or material part, to provide firm,  
20                  dispatchable electric supply to facilities de-  
21                  scribed in subparagraph (A), through the  
22                  applicable retail electric utility or coopera-  
23                  tive serving such facilities, consistent with  
24                  State service laws;

1 “(C) associated high-voltage electric trans-  
2 mission facilities essential to interconnect facili-  
3 ties described in subparagraph (A) or (B); or

4 “(D) fuel supply infrastructure essential to  
5 the operation of facilities described in subpara-  
6 graph (B), including—

7 “(i) coal mines and coal preparation  
8 facilities, as defined in section 701 of the  
9 Surface Mining Control and Reclamation  
10 Act of 1977 (30 U.S.C. 1291);

11 “(ii) natural gas gathering, proc-  
12 essing, storage, and transportation facili-  
13 ties subject to the Natural Gas Act (15  
14 U.S.C. 717 et seq.);

15 “(iii) oil or petroleum product pipe-  
16 lines and related terminals; and

17 “(iv) rail, barge, or other transpor-  
18 tation infrastructure materially dedicated  
19 to the delivery of fuel to such facilities.

20 “(3) FEDERAL AUTHORIZATION.—The term  
21 ‘Federal authorization’ means any permit, license,  
22 approval, or other administrative decision required  
23 under Federal law to site, construct, expand, oper-  
24 ate, or maintain a covered project.

1       “(b) PRESIDENTIAL DESIGNATION.—The President  
2 may designate one or more covered projects as priority na-  
3 tional defense projects and publish such designation in the  
4 Federal Register.

5       “(c) CONCURRENT PERMITTING.—

6               “(1) COORDINATION.—For any covered project  
7 designated under subsection (a), the President shall  
8 require each head of a Federal agency with responsi-  
9 bility for issuing permits, licenses, or approvals to—

10                       “(A) conduct reviews concurrently to the  
11 maximum extent practicable and consistent with  
12 applicable law; and

13                       “(B) adhere to a consolidated schedule es-  
14 tablished by the President in accordance with  
15 paragraph (2).

16               “(2) SCHEDULE.—The President shall ensure  
17 that a consolidated schedule described in paragraph  
18 (1)—

19                       “(A) establishes interim milestones and  
20 deadlines for action by the head of a Federal  
21 agency described in paragraph (1) with respect  
22 to the designated covered project; and

23                       “(B) requires completion of all necessary  
24 Federal authorizations not later than 2 years  
25 after receipt of a complete application from the

1 owner of the covered project, unless the Presi-  
2 dent determines that additional time is required  
3 due to extraordinary circumstances.

4 “(3) CONSULTATION.—The President may con-  
5 sult with State, Tribal, or local permitting authori-  
6 ties in developing the consolidated schedule de-  
7 scribed in paragraph (2).

8 “(4) ENFORCEMENT.—Failure by a Federal  
9 agency to adhere to the consolidated schedule estab-  
10 lished for a designated covered project unless ap-  
11 proved by the President shall be treated as a failure  
12 to act under section 706(1) of title 5, United States  
13 Code.

14 “(5) DISPUTE RESOLUTION.—

15 “(A) IN GENERAL.—The President or a  
16 designee described in subparagraph (B) shall  
17 have exclusive authority to resolve disputes  
18 among Federal agencies regarding the scope,  
19 schedule, or terms of Federal authorizations.

20 “(B) DESIGNEE DESCRIBED.—The Presi-  
21 dent may, for a covered project, assign a des-  
22 ignee as follows:

23 “(i) The Secretary of Defense.

1 “(ii) After publication in the Federal  
2 Register, the head of another Federal  
3 agency.

4 “(d) ENVIRONMENTAL REVIEW.—The President  
5 shall designate a single Federal agency to serve as the lead  
6 agency responsible for preparing all environmental reviews  
7 and related documents for a designated covered project,  
8 which shall be deemed sufficient for such reviews required  
9 for relevant Federal authorizations.

10 “(e) JUDICIAL REVIEW.—

11 “(1) VENUE; LIMITATION.—Any civil action  
12 seeking review of a designation of a covered project  
13 under subsection (b) or a Federal authorization  
14 under subsection (c) shall be filed not later than 150  
15 days after the date of such designation or such au-  
16 thorization as follows:

17 “(A) A review of a designation under sub-  
18 section (b) may only be brought only in the  
19 United States Court of Appeals for the District  
20 of Columbia Circuit.

21 “(B) A review of a Federal authorization  
22 under subsection (c) may only be brought in the  
23 United States Court of Appeals for the circuit  
24 in which the covered project is principally lo-  
25 cated.

1           “(2) EXPEDITED CONSIDERATION.—The United  
2       States Court of Appeals for the District of Columbia  
3       Circuit shall provide expedited consideration for a  
4       civil action described in paragraph (1), and shall  
5       issue a final decision on the merits not later than  
6       120 days after date of filing of the complaint. Such  
7       decision may only be appealed to the Supreme Court  
8       of the United States.

9           “(3) INJUNCTIVE RELIEF.—The United States  
10      Court of Appeals for the District of Columbia Cir-  
11      cuit may not issue a preliminary injunction for a  
12      civil action described in paragraph (1) unless the  
13      court finds a designation or an authorization that is  
14      the subject of the civil action is arbitrary, capricious,  
15      or contrary to law. Any injunctive relief shall be nar-  
16      rowly tailored to remedy such defect.

17          “(4) REMEDIES.—The United States Court of  
18      Appeals for the District of Columbia Circuit may not  
19      vacate a designation or authorization unless the  
20      court finds by clear and convincing evidence that the  
21      designation or authorization is unlawful. Relief shall  
22      be limited to the covered project that is the subject  
23      of the civil action.

24          “(f) NATIONAL DEFENSE EXEMPTION.—The Presi-  
25      dent may, by executive order, exempt a covered project

1 designated under this section from the application of emis-  
2 sions limitations or operational requirements promulgated  
3 under Federal law after the date of designation, if the  
4 President determines and publishes in the Federal Reg-  
5 ister that—

6 “(1) the continued operation of such project is  
7 necessary for national defense; and

8 “(2) application of such new requirements  
9 would materially impair the ability of the project to  
10 provide critical capacity in support of national de-  
11 fense.

12 “(g) FUNDING.—Amounts made available under this  
13 title may be used to carry out the consolidated schedule  
14 described in subsection (c)(2), including for staff, tech-  
15 nical reviews, or contracting necessary to meet the require-  
16 ments of such consolidated schedule.

17 “(h) ACCESS TO FUNDING.—In carrying out this sec-  
18 tion, the President shall ensure that rural electric coopera-  
19 tives that are eligible for financing, loans, and loan guar-  
20 antees available through the Rural Utilities Service of the  
21 Department of Agriculture can be designated as a covered  
22 project, including such cooperatives involved in the genera-  
23 tion, transmission, or interconnection of facilities that sup-  
24 port critical artificial intelligence infrastructure.”.



1           (b) CONFORMING AMENDMENT.—Section 702(14) of  
2 the Defense Production Act of 1950 (50 U.S.C. 4552(14))  
3 is amended by inserting “(including critical artificial intel-  
4 ligence infrastructure designated under section 306)”  
5 after “critical infrastructure protection and restoration”.

