

**AMENDMENT TO H.R. 3938, AS REPORTED
OFFERED BY MR. BARR OF KENTUCKY**

Add at the end the following:

1 **SEC. ____ . PERMIT PROCESS FOR PROJECTS RELATING TO**
2 **EXTRACTION, RECOVERY, OR PROCESSING**
3 **OF CERTAIN MATERIALS.**

4 Section 41001(6)(A) of the FAST Act (42 U.S.C.
5 4370m(6)(A)) is amended—

6 (1) in clause (iii)(III), by striking “or” at the
7 end;

8 (2) in clause (iv)(II), by striking the period at
9 the end and inserting “; or”; and

10 (3) by adding at the end the following:

11 “(v) is related to the extraction, recov-
12 ery, or processing from acid mine drainage,
13 mine tailings, coal, coal waste, coal proc-
14 essing waste, or pre- or post-combustion
15 coal byproducts of—

16 “(I) a mineral of a kind that is
17 locatable under the Mining Law of
18 1872 (30 U.S.C. 22 et seq.), including
19 such a mineral located on lands ac-
20 quired by the United States (as that

1 term is defined in section 2 of the
2 Mineral Leasing Act for Acquired
3 Lands (30 U.S.C. 351));
4 “(II) a rare earth element; or
5 “(III) microfine carbon or carbon
6 from coal.”.

