

**AMENDMENT TO H.R. 4090, AS REPORTED  
OFFERED BY MR. BARR OF KENTUCKY**

Add at the end the following:

**1 SEC. 9. TREATMENT OF ACTIONS UNDER PRESIDENTIAL  
2 DETERMINATION 2022–11 FOR FEDERAL PER-  
3 MITTING IMPROVEMENT PURPOSES.**

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

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

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

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

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

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

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

10          (4) any other activity authorized under section  
11       303(a)(1) of the Defense Production Act of 1950  
12       (50 U.S.C. 4533(a)(1)).

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

