AMENDMENT TO
RULES COMMITTEE PRINT 117-54
OFFERED BY MR. GARAMENDI OF CALIFORNIA

At the appropriate place in title LIII of division E, insert the following:

SEC. _____. TREATMENT OF ACTIONS UNDER PRESIDENTIAL DETERMINATION 2022-11 FOR FEDERAL PERMITTING IMPROVEMENT PURPOSES.

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

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

(2) included in the Permitting Dashboard maintained pursuant to section 41003(b) of that Act (42 U.S.C. 4370m–2(b)).

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

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

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

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

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

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