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:

1 **SEC. ____. 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

1 create, maintain, protect, expand, or restore sustainable

2 and responsible domestic production capabilities for stra-

3 tegic and critical materials through—

4   (1) supporting feasibility studies for mature

5   mining, beneficiation, and value-added processing

6   projects;

7   (2) by-product and co-product production at ex-

8   isting mining, mine waste reclamation, and other in-

9   dustrial facilities;

10   (3) modernization of mining, beneficiation, and

11   value-added processing to increase productivity, envi-

12   ronmental sustainability, and workforce safety; or

13   (4) any other activity authorized under section

14   303(a)(1) of the Defense Production Act of 1950

15   (50 U.S.C. 4533(a)(1)).

16 (c) EXCEPTION.—An action described in subsection

17 (b) may not be treated as a covered project or be included

18 in the Permitting Dashboard under subsection (a) if the

19 project sponsor (as defined in section 41001(18) of the

20 Fixing America's Surface Transportation Act (42 U.S.C.

21 4370m(18))) requests that the action not be treated as

22 a covered project.

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