

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 119-33**  
**OFFERED BY MR. PALMER OF ALABAMA**

At the end of subtitle A of title XVII, add the following new section:

1 **SEC. 17\_\_ . CLARIFICATION OF NATIONALLY SIGNIFICANT**  
2 **INFRASTRUCTURE FACILITIES FOR PUR-**  
3 **POSES OF FEDERAL FINANCING, PERMIT-**  
4 **TING, AND RELATED ACTIVITIES.**

5 (a) USE OF DEFINITION.—

6 (1) IN GENERAL.—Each Secretary concerned  
7 shall exclusively use the definition of the term “na-  
8 tionally significant infrastructure facility” provided  
9 in subsection (i) for the purposes described in para-  
10 graph (2) and, to the maximum extent authorized  
11 under applicable law, shall seek to prioritize (and, in  
12 the case of the purpose specified in subparagraph  
13 (C) of such paragraph, expedite consistent with sub-  
14 section (c)) such facilities, or applications for  
15 projects for such facilities, for such purposes.

16 (2) PURPOSES.—The purposes described in this  
17 paragraph are—

1 (A) the administration of any loan, loan  
2 guarantee, or other financing assistance by the  
3 Secretary concerned relating to critical min-  
4 erals, rare earth elements, energy infrastruc-  
5 ture, semiconductor capacity, artificial intel-  
6 ligence infrastructure, or related industrial base  
7 projects; and

8 (B) the selection for, and prioritization of  
9 activities under, any program of the Secretary  
10 concerned relating to any sector specified in  
11 subparagraph (A); and

12 (C) the issuance of any license, permit, ap-  
13 proval, finding, determination, or other admin-  
14 istrative decision by the Secretary concerned,  
15 and any interagency consultation that is re-  
16 quired or authorized under Federal law in order  
17 to site, construct, reconstruct, or commence op-  
18 erations of a facility.

19 (3) APPLICABILITY.—The requirement under  
20 paragraph (1) shall apply with respect to applica-  
21 tions for projects or assistance submitted to the Sec-  
22 retary concerned on or after the date of the enact-  
23 ment of this Act.

24 (b) PRIORITIZATION.—In carrying out subsection (a),  
25 each Secretary concerned shall further prioritize for the

1 purposes described in paragraph (2) of such subsection  
2 any nationally significant infrastructure facility that—

3 (1) is located on Federal property;

4 (2) materially advances domestic production,  
5 processing, refining, recycling, or generation capac-  
6 ity in any sector specified in subsection (a)(2)(A); or

7 (3) the Secretary concerned determines to be  
8 essential to national security, energy security, supply  
9 chain resilience, or industrial capacity.

10 (c) EXPEDITED PERMITTING AND ENVIRONMENTAL  
11 REVIEW.—Consistent with the requirement under sub-  
12 section (a), a project for a nationally significant infra-  
13 structure facility that meets the criteria under subsection  
14 (b) shall, to the maximum extent authorized by applicable  
15 law, receive expedited treatment for purposes of Federal  
16 permitting and environmental review, including treatment  
17 of such project as a covered project for purposes of title  
18 XLI of the FAST Act (42 U.S.C. 4370m et seq.).

19 (d) STATE ACTIONS DURING COVERED STATUS.—No  
20 State or political subdivision thereof may directly or indi-  
21 rectly adopt, enforce, or maintain any law, regulation, re-  
22 quirement, or other measure applicable to a nationally sig-  
23 nificant infrastructure facility if—

24 (1) the effect of such law, regulation, require-  
25 ment, or measure would be to force the closure of

1 such facility or materially decrease production at  
2 such facility; and

3 (2) the Secretary of Defense determines that  
4 the continued operation of such facility is essential  
5 to the interest of national security.

6 (e) STATE AUTHORITY UPON TERMINATION OF DES-  
7 IGNATION.—

8 (1) RULE OF CONSTRUCTION.—If the Secretary  
9 concerned determines that a facility previously con-  
10 sidered as a nationally significant infrastructure fa-  
11 cility pursuant to this section no longer meets the  
12 definition under subsection (i) or is no longer essen-  
13 tial, nothing in this section shall be construed to  
14 prevent a State or political subdivision thereof from  
15 allowing, approving, licensing, regulating, or other-  
16 wise supporting the continued operation, expansion,  
17 or continued productive use of such facility in ac-  
18 cordance with applicable State and local law.

19 (2) REMOVAL OF LIMITATION ON STATE OR  
20 LOCAL ACTION.—Subject to paragraph (3), upon a  
21 determination specified in paragraph (1), any limita-  
22 tion on State or local action arising solely by reason  
23 of this section, including pursuant to subsection (e),  
24 shall cease to apply with respect to such facility.

1           (3) PROHIBITION ON RETROACTIVE STATE OR  
2 LOCAL PENALTIES.—No State or political subdivi-  
3 sion thereof may take any action to penalize a facil-  
4 ity previously considered as a nationally significant  
5 infrastructure facility pursuant to this section that  
6 no longer meets the definition under subsection (i),  
7 or that is no longer in receipt of prioritization or ex-  
8 pedited treatment pursuant to this section as a re-  
9 sult of the termination under subsection (h), if such  
10 action would have been barred during the period in  
11 which such facility was considered a nationally sig-  
12 nificant infrastructure facility pursuant to this sec-  
13 tion as a result of such consideration.

14           (f) JUDICIAL REVIEW OF ENVIRONMENTAL REVIEWS  
15 AND PERMITS.—

16           (1) TIME LIMIT.—Any civil action seeking judi-  
17 cial review of—

18                   (A) a final agency action taken to comply  
19 with the National Environmental Policy Act of  
20 1969 (42 U.S.C. 4321 et seq.) in connection  
21 with a project for a nationally significant infra-  
22 structure facility that receives any loan, loan  
23 guarantee, financing assistance, prioritization,  
24 or expedited treatment pursuant to this section;  
25 or

1 (B) the issuance, denial, or other final  
2 agency action regarding any Federal environ-  
3 mental permit, license, or authorization re-  
4 quired under Federal law for the construction,  
5 expansion, or operation of such a facility, shall  
6 be filed not later than 120 days after the earlier  
7 of—

8 (i) the date of publication in the Fed-  
9 eral Register of a notice of availability of  
10 the final environmental impact statement  
11 or other final agency environmental review  
12 document for the project; or

13 (ii) the date of publication in the Fed-  
14 eral Register, or in another appropriate  
15 public forum, of notice of the final agency  
16 action on the relevant permit, license, or  
17 authorization.

18 (2) EXCLUSIVE JURISDICTION AND BAR.—Any  
19 action described in paragraph (1) shall be brought  
20 in a court of competent jurisdiction as provided by  
21 law. Failure to file within the 120 day period de-  
22 scribed in paragraph (1) shall bar such action.

23 (3) RULE OF CONSTRUCTION.—Nothing in this  
24 subsection shall be construed to create a right of ac-  
25 tion, to alter the standard of review otherwise appli-

1 cable under Federal law, or to waive sovereign im-  
2 munity beyond that which is otherwise provided by  
3 law.

4 (g) TERMINATION; PHASE-OUT.—

5 (1) TERMINATION.—This section shall cease to  
6 have effect on the date that is seven years after the  
7 date of the enactment of this Act.

8 (2) PHASE-OUT.—Not later than one year prior  
9 to the date of termination under paragraph (1), the  
10 Secretaries concerned shall establish a phase-out  
11 process for nationally significant infrastructure fa-  
12 cilities receiving any loan, loan guarantee, financing  
13 assistance, prioritization, or expedited treatment  
14 pursuant to this section, including procedures gov-  
15 erning the continuation, modification, or termination  
16 of such assistance or treatment for projects ap-  
17 proved prior to such date of termination.

18 (h) DEFINITIONS.—In this Act:

19 (1) The term “nationally significant infrastruc-  
20 ture facility” means a facility that is exclusively used  
21 for one of the following purposes:

22 (A) The fabrication, assembly, testing, ad-  
23 vanced packaging, production, or research and  
24 development of semiconductors.

1 (B) The manufacturing of equipment or  
2 materials used to extract, recover, refine, proc-  
3 ess, or reprocess critical minerals or rare earth  
4 elements.

5 (C) The processing, refining, smelting, of  
6 critical minerals or rare earth elements.

7 (D) Artificial intelligence, including data  
8 centers and quantum computing facilities, pro-  
9 vided the sole use of such facility is to support  
10 efforts of the United States Government.

11 (E) Black mass and mineral byproduct re-  
12 covery operations, including any associated re-  
13 cycling or refining facility.

14 (F) Energy generation from coal, oil, nat-  
15 ural gas, liquefied natural gas, hydroelectric re-  
16 sources, or nuclear energy.

17 (2) The term “Secretary concerned” means—

18 (A) the Secretary of Defense (acting  
19 through the Director of the Office of Strategic  
20 Capital, the Assistant Secretary of Defense for  
21 Industrial Base Policy, or other officials of the  
22 Department of Defense with duties relating to  
23 loans or other financing assistance, as applica-  
24 ble) with respect to matters concerning the De-  
25 partment of Defense; and

1 (B) the Secretary of Energy, with respect  
2 to matters concerning the Department of En-  
3 ergy.

