

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MR. STAUBER OF MINNESOTA

At the end of subtitle B of title XIV, add the following:

1 **SEC. 14___ . CATEGORICAL EXCLUSION FOR CERTAIN AC-**
2 **TIVITIES RELATING TO STRATEGIC AND**
3 **CRITICAL MINERALS.**

4 (a) CATEGORICAL EXCLUSION ESTABLISHED.—Ac-
5 tivities described in subsection (b) are a category of activi-
6 ties designated as being categorically excluded from the
7 preparation of an environmental assessment or an environ-
8 mental impact statement under section 102 of the Na-
9 tional Environmental Policy Act of 1969 (42 U.S.C.
10 4332).

11 (b) STRATEGIC AND CRITICAL MINERAL ACTIVITIES
12 DESIGNATED FOR CATEGORICAL EXCLUSION.—

13 (1) IN GENERAL.—The activities designated as
14 being categorically excluded under subsection (a) are
15 activities described in paragraph (2) that receive
16 funds from the Secretary of Defense.

17 (2) ACTIVITIES DESCRIBED.—The activities de-
18 scribed in paragraph (1) are—

1 (A) preliminary market studies (as defined
2 in section 229.1300 of title 17, Code of Federal
3 Regulations (or any successor regulation));

4 (B) preliminary feasibility studies (as de-
5 fined in that section);

6 (C) feasibility studies (as defined in that
7 section); and

8 (D) any other activity intended to support
9 the extraction, processing, manufacturing, use,
10 recovery, and recycling of strategic and critical
11 minerals that is co-located with a defense indus-
12 trial base facility (as defined in section
13 2208(u)(3) of title 10, United States Code).

14 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—
15 Beginning on the date of enactment of this Act, the Sec-
16 retary of Defense, acting through the Chief of Engineers,
17 may use the categorical exclusion established under sub-
18 section (a) in accordance with this section.

19 (d) EXTRAORDINARY CIRCUMSTANCES.—Use of the
20 categorical exclusion established under subsection (a) shall
21 not be subject to the extraordinary circumstances proce-
22 dures under section 1501.4 of title 40, Code of Federal
23 Regulations (or any successor regulation).

24 (e) APPLICABLE LAW.—An activity designated under
25 subsection (b) shall not be subject to—

1 (1) section 7 of the Endangered Species Act of
2 1973 (16 U.S.C. 1536);

3 (2) section 306108 of title 54, United States
4 Code; or

5 (3) any other applicable law.

6 (f) DEFINITIONS.—In this section:

7 (1) The terms “categorical exclusion”, “envi-
8 ronmental assessment”, and “environmental impact
9 statement” have the meaning given those terms in
10 section 111 of the National Environmental Policy
11 Act of 1969 (42 U.S.C. 4336e).

12 (2) The term “strategic and critical minerals”
13 means minerals determined to be in shortfall in the
14 most recent report on Stockpile requirements sub-
15 mitted under section 14 of the Strategic and Critical
16 Materials Stock Piling Act (50 U.S.C. 98h–5).

