

AMENDMENT TO THE COMMITTEE PRINT
OFFERED BY MR. GOSAR OF ARIZONA

Page 117, after line 22, insert the following:

1 **SEC. 70808. PERMITTING.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that—

4 (1) critical minerals are fundamental to the
5 economy, competitiveness, and security of the United
6 States;

7 (2) to the maximum extent practicable, the crit-
8 ical mineral needs of the United States should be
9 satisfied by minerals, elements, substances, and ma-
10 terials responsibly produced and recycled in the
11 United States; and

12 (3) the current Federal permitting process is an
13 impediment to mineral production and the mineral
14 security of the United States.

15 (b) COORDINATION ON PERMITTING PROCESS.—

16 (1) IN GENERAL.—The Secretary, in consulta-
17 tion with appropriate Federal agencies, shall, to the
18 maximum extent practicable, with respect to the
19 Federal permitting and review process for critical
20 mineral projects on Federal land—

1 (A) establish and adhere to timelines and
2 schedules for the consideration of, and final de-
3 cisions regarding, applications, operating plans,
4 leases, licenses, permits, and other use author-
5 izations for mineral-related activities on Federal
6 land;

7 (B) establish clear, quantifiable, and tem-
8 poral permitting performance goals and track-
9 ing progress against those goals;

10 (C) engage in early collaboration among
11 agencies, project sponsors, and affected stake-
12 holders—

13 (i) to incorporate and address the in-
14 terests of each such agency, sponsor, and
15 stakeholder; and

16 (ii) to minimize delays;

17 (D) ensure transparency and accountability
18 by using cost-effective information technology to
19 collect and disseminate information regarding
20 individual critical mineral projects and agency
21 performance;

22 (E) engage in early and active consultation
23 with State and local governments and Indian
24 Tribes to avoid conflicts or duplication of effort,
25 resolve concerns, and allow for concurrent,

1 rather than sequential, State, local, Tribal, and
2 Federal environmental and regulatory reviews;

3 (F) meet or exceed the performance
4 metrics required by subsection (g);

5 (G) expand and institutionalize permitting
6 and review process improvements that have
7 proven effective;

8 (H) develop mechanisms to better commu-
9 nicate priorities and resolve disputes among
10 agencies at the national, regional, State, and
11 local levels; and

12 (I) develop other practices to improve the
13 regulatory processes, such as preapplication
14 procedures.

15 (2) CONSIDERATIONS.—In carrying out para-
16 graph (1), the lead agency shall consider deferring
17 to, and relying on, baseline data, analyses, and re-
18 views performed by State agencies with jurisdiction
19 over the proposed critical mineral project.

20 (3) MEMORANDUM OF AGREEMENT.—The lead
21 agency with respect to a critical mineral project on
22 Federal land, in consultation with any other Federal
23 agency with jurisdiction over such project, shall,
24 upon request of the project sponsor, a State or local
25 government, an Indian Tribe, or other entity such

1 lead agency determines appropriate, establish a
2 memorandum of agreement with the project sponsor,
3 a State or local government, an Indian Tribe, or an-
4 other entity such lead agency determines appropriate
5 to carry out the activities described in this sub-
6 section.

7 (4) TIME LIMIT FOR PERMITTING PROCESS.—
8 Notwithstanding any other provision of law, and ex-
9 cept with agreement of the project sponsor, the total
10 period for all necessary Federal reviews and permit
11 consideration for a critical mineral project on Fed-
12 eral land reasonably expected to produce critical
13 minerals may not exceed—

14 (A) with respect to a project that requires
15 an environmental assessment under section
16 102(2)(C) of the National Environmental Policy
17 Act of 1969 (42 U.S.C. 4332(2)(C)), 18
18 months; or

19 (B) with respect to a project that requires
20 an environmental impact statement under such
21 section, 24 months.

22 (c) DETERMINATION UNDER NATIONAL ENVIRON-
23 MENTAL POLICY ACT.—

24 (1) IN GENERAL.—To the extent that the Na-
25 tional Environmental Policy Act of 1969 (42 U.S.C.

1 4321 et seq.) applies to the issuance of any mineral
2 exploration or mine permit relating to a critical min-
3 eral project, the lead agency may deem the require-
4 ments of such Act satisfied if the lead agency deter-
5 mines that a State or Federal agency acting under
6 State or Federal law has addressed the following
7 factors:

8 (A) The environmental impact of the ac-
9 tion to be conducted under the permit.

10 (B) Possible alternatives to issuance of the
11 permit.

12 (C) The relationship between long- and
13 short-term uses of the local environment and
14 the maintenance and enhancement of long-term
15 productivity.

16 (D) Any irreversible and irretrievable com-
17 mitment of resources that would be involved in
18 the proposed action.

19 (2) PUBLICATION.—The lead agency shall pub-
20 lish a determination under paragraph (1) not later
21 than 90 days after receipt of an application for the
22 permit.

23 (3) VERIFICATION.—The lead agency shall pub-
24 lish a determination that the factors under para-
25 graph (1) have been sufficiently addressed and pub-

1 lic participation has occurred with regard to any au-
2 thorizing actions before issuing any mineral explo-
3 ration or mine permit for a critical mineral project.

4 (d) SCHEDULE FOR PERMITTING PROCESS.—For
5 any critical mineral project for which the lead agency can-
6 not make the determination described in subsection (c),
7 at the request of a project sponsor, the lead agency, co-
8 operating agencies, and any other agencies involved with
9 the mineral exploration or mine permitting process shall
10 enter into an agreement with the project sponsor that sets
11 time limits for each part of the permitting process, includ-
12 ing—

13 (1) the decision on whether to prepare an envi-
14 ronmental impact statement or similar analysis re-
15 quired under the National Environmental Policy Act
16 of 1969 (42 U.S.C. 4321 et seq.);

17 (2) a determination of the scope of any environ-
18 mental impact statement or similar analysis required
19 under such Act;

20 (3) the scope of, and schedule for, the baseline
21 studies required to prepare an environmental impact
22 statement or similar analysis required under such
23 Act;

1 (4) preparation of any draft environmental im-
2 pact statement or similar analysis required under
3 such Act;

4 (5) preparation of a final environmental impact
5 statement or similar analysis required under such
6 Act;

7 (6) any consultations required under applicable
8 law;

9 (7) submission and review of any comments re-
10 quired under applicable law;

11 (8) publication of any public notices required
12 under applicable law; and

13 (9) any final or interim decisions.

14 (e) ADDRESSING PUBLIC COMMENTS.—As part of
15 the review process of a critical mineral project under the
16 National Environmental Policy Act of 1969 (42 U.S.C.
17 4321 et seq.), the lead agency may not address any agency
18 or public comments that were not submitted—

19 (1) during a public comment period or consulta-
20 tion period provided during the permitting process;
21 or

22 (2) as otherwise required by law.

23 (f) REVIEW AND REPORT.—Not later than 1 year
24 after the date of enactment of this Act, the Secretary and

1 the Secretary of Agriculture shall submit to Congress a
2 report that—

3 (1) identifies additional measures (including
4 regulatory and legislative proposals, as appropriate)
5 that would increase the timeliness of permitting ac-
6 tivities for the exploration and development of do-
7 mestic critical minerals;

8 (2) identifies options (including cost recovery
9 paid by permit applicants, as appropriate) for ensur-
10 ing adequate staffing and training of Federal enti-
11 ties and personnel responsible for the consideration
12 of applications, operating plans, leases, licenses, per-
13 mits, and other use authorizations for critical min-
14 eral projects on Federal land;

15 (3) quantifies the amount of time typically re-
16 quired (including a range derived from minimum
17 and maximum durations, mean, median, variance,
18 and any other statistical measure or representation
19 the Secretary and the Secretary of Agriculture de-
20 termine appropriate) to complete each step (includ-
21 ing those aspects outside the control of the executive
22 branch, such as judicial review, applicant decisions,
23 or State and local government involvement) associ-
24 ated with the development and processing of applica-
25 tions, operating plans, leases, licenses, permits, and

1 other use authorizations for a mineral exploration or
2 mine permit for a critical mineral project; and

3 (4) describes actions carried out pursuant to
4 subsection (b).

5 (g) PERFORMANCE METRIC.—Not later than 90 days
6 after the date of submission of the report under subsection
7 (f), the Secretary and the Secretary of Agriculture, after
8 providing public notice and an opportunity to comment,
9 shall develop and publish a performance metric for evalu-
10 ating the progress made by the executive branch to expedite
11 the permitting of critical mineral projects.

12 (h) ANNUAL REPORTS.—Beginning with the first
13 budget submission by the President under section 1105
14 of title 31, United States Code, after publication of the
15 performance metric required under subsection (g), and an-
16 nually thereafter, the Secretary and the Secretary of Agri-
17 culture shall jointly submit to Congress a report that—

18 (1) summarizes the implementation of rec-
19 ommendations, measures, and options identified in
20 paragraphs (1) and (2) of subsection (f);

21 (2) using the performance metric under sub-
22 section (g), describes progress made by the executive
23 branch, as compared to the baseline established pur-
24 suant to subsection (d)(3), on expediting the permit-

1 ting of activities that will increase exploration for,
2 and development of, domestic critical minerals; and
3 (3) compares the United States to other coun-
4 tries in terms of permitting efficiency and any other
5 criteria relevant to the globally competitive critical
6 minerals industry.

7 (i) INDIVIDUAL PROJECTS.—Using data from the
8 Secretary of Agriculture and the Secretary generated
9 under subsection (h), the Director of the Office of Man-
10 agement and Budget shall prioritize inclusion of individual
11 critical mineral projects on the website operated by the
12 Office of Management and Budget in accordance with sec-
13 tion 1122 of title 31, United States Code.

14 (j) REPORT OF SMALL BUSINESS ADMINISTRA-
15 TION.—Not later than 1 year and 300 days after the date
16 of enactment of this Act, the Administrator of the Small
17 Business Administration shall submit to the Committees
18 on Small Business and Natural Resources of the House
19 of Representatives and Small Business and Entrepreneur-
20 ship and Energy and Natural Resources of the Senate a
21 report that assesses the performance of Federal agencies
22 with respect to—

23 (1) complying with chapter 6 of title 5, United
24 States Code, in promulgating regulations applicable
25 to the critical minerals industry; and

1 (2) performing an analysis of regulations appli-
2 cable to the critical minerals industry that may be
3 outmoded, inefficient, duplicative, or excessively bur-
4 densome.

