

BRETT GUTHRIE, KENTUCKY  
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY  
RANKING MEMBER

ONE HUNDRED NINETEENTH CONGRESS

# Congress of the United States

## House of Representatives

### COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6115

Majority (202) 225-3641

Minority (202) 225-2927

#### MEMORANDUM

December 8, 2025

TO: Members of the Subcommittee on Environment  
FROM: Committee Majority Staff  
RE: Subcommittee on Environment Markup on December 10, 2025

---

#### I. INTRODUCTION

The Subcommittee on Environment will hold a markup on Wednesday, December 10, 2025, at 10:15 a.m. (ET) in 2123 Rayburn House Office Building. The markup will consider the following legislation:

- **H.R. 6409, Foreign Emissions and Nonattainment Clarification for Economic Stability (FENCES) (Rep. Pfluger)**
- **H.R. 4218, Clean Air and Economic Advancement Reform (CLEAR) Act (Rep. Carter)**
- **H.R. 6387, Fire Improvement and Reforming Exceptional Events (FIRE) Act (Rep. Evans)**
- **H.R. 4214, Clean Air and Building Infrastructure Improvement Act (Rep. Allen)**
- **H.R. 161, New Source Review Permitting Improvement Act (Rep. Griffith)**
- **H.R. 6373, Air Permitting Improvements to Protect National Security Act (Rep. Palmer)**
- **H.R. 6398, Reducing and Eliminating Duplicative Environmental Regulations (RED Tape) Act (Rep. Joyce)**

## **II. LEGISLATION**

### **A. H.R. 6409, Foreign Emissions and Nonattainment Clarification for Economic Stability (FENCES) Act (Rep. Pfluger)**

This legislation amends Section 179B of the Clean Air Act<sup>1</sup> to exclude emissions emanating from outside the United States from being used to determine whether an area is attaining a National Ambient Air Quality Standard (NAAQS).

### **B. H.R. 4218, Clean Air and Economic Advancement Reform (CLEAR) Act (Rep. Carter)**

This legislation would make several changes to the Clean Air Act, including amending section 109(d)<sup>2</sup> to extend the current NAAQS review cycle from five years to 10 years; section 109(b)(1)<sup>3</sup> to allow consideration of attainability when choosing among a range of air quality standards that are protective of human health and the environment; section 110(c)(1)<sup>4</sup> to provide states the opportunity to address concerns in a State Implementation Plan (SIP) submission before a Federal Implementation Plan is issued; and section 182<sup>5</sup> to eliminate certain demonstration requirements in a SIP to promote increased technological innovations in control technologies.

The legislation also includes provisions similar to H.R. 6387 concerning how certain events including fires, drought, and heat, are considered as part of the NAAQS process and H.R. 6409 concerning how non-attainment areas are classified as severe or extreme for ozone or as serious for particulate matter, and sanctions are imposed for implementation plan deficiencies under section 179.

### **C. H.R. 6387, Fire Improvement and Reforming Exceptional Events (FIRE) Act (Rep. Evans)**

This legislation amends section 319(b)<sup>6</sup> to limit how emissions from wildfires, prescribed burns and exceptional events from the air monitoring data can be used to determine whether an area is attaining a NAAQS and to require increased coordination between EPA and affected states regarding exceptional event determinations.

### **D. H.R. 4214, Clean Air and Building Infrastructure Improvement Act (Rep. Allen)**

This legislation amends section 109<sup>7</sup> require EPA to concurrently publish regulations and guidance for implementing a revised NAAQS and prevent the new or revised

---

<sup>1</sup> 42 U.S.C. § 7509a.

<sup>2</sup> 42 U.S.C. § 7409(d).

<sup>3</sup> 42 U.S.C. § 7409(b)(1).

<sup>4</sup> 42 U.S.C. § 7410(c)(1).

<sup>5</sup> 42 U.S.C. § 7511a.

<sup>6</sup> 42 U.S.C. § 7619(b).

<sup>7</sup> 42 U.S.C. § 7409.

standards from applying to preconstruction permit applications until the Administrator has published such final regulations and guidance. It also clarifies that nothing in the subsection eliminates the obligation of a preconstruction permit applicant to install the best available control technology and lowest achievable emission rate technology, and clarifies that nothing in the subsection limits the authority of a state, local, or Tribal permitting authority to impose more stringent emissions requirements pursuant to a state, local, or tribal law than NAAQS.

The legislation also provides that the 2024 PM<sub>2.5</sub> standard shall not apply to the review and disposition of a preconstruction permit application if a permit application is completed on or before the date of promulgation of the final designation of an area; or a public notice of a preliminary determination on a draft permit is provided within 60 days after the date of final designation of an area.

**E. H.R. 161, New Source Review Permitting Improvement Act (Rep. Griffith)**

This legislation amends the definition of “modification” in multiple sections to clarify that certain activities that do not increase emissions do not trigger New Source Review (NSR) permitting.

**F. H.R. 6373, Air Permitting Improvements to Protect National Security Act (Rep. Palmer)**

This legislation amends section 173<sup>8</sup> to exempt advanced manufacturing facilities and critical mineral facilities from the requirement to offset emissions as part of the Nonattainment New Source Review (NNSR) permit process if the President issues a national security determination. It also establishes an alternative mechanism to allow a covered facility to participate in state emissions reduction program in lieu of obtaining emission offsets as part of a permit. This is based on a similar provision in section 173 concerning emission offset requirements for rocket engines.

**G. H.R. 6398, Reducing and Eliminating Duplicative Environmental Regulations (RED Tape) Act (Rep. Joyce)**

This legislation amends section 309<sup>9</sup> to eliminate the requirement for EPA review and provide written comment on federal construction projects or other actions by a federal agency that are already subject to environmental review under the National Environmental Policy Act.

---

<sup>8</sup> 42 U.S.C. § 7503.

<sup>9</sup> 42 U.S.C. § 7609.

### **III. STAFF CONTACTS**

If you have any questions regarding this markup, please contact Byron Brown or Katharine Willey of the Committee Staff at (202) 225-3641.