

119TH CONGRESS
1ST SESSION

H. R. _____

To amend section 172 of the Clean Air Act to support critical manufacturing,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend section 172 of the Clean Air Act to support
critical manufacturing, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Air Permitting Im-
5 provements to Protect National Security Act of 2025”.

6 **SEC. 2. SUPPORTING CRITICAL MANUFACTURING.**

7 Section 172 of the Clean Air Act (42 U.S.C. 7503)
8 is amended by inserting after subsection (e) the following:

9 “(f) **ALTERNATIVE REQUIREMENTS FOR CRITICAL**
10 **MANUFACTURING.—**

1 “(1) NATIONAL SECURITY WAIVER.—Upon ap-
2 plication by the owner or operator of a proposed new
3 or modified advanced manufacturing facility or crit-
4 ical mineral facility located in a nonattainment area,
5 the President may determine that, based on the na-
6 tional security interests of the United States, such
7 a facility is exempt from the requirements of this
8 subchapter to offset increased emissions of any air
9 pollutant. Such determination shall not be delegable
10 by the President to any other person.

11 “(2) ALTERNATIVE MEANS OF COMPLIANCE.—
12 Notwithstanding any other provision of this Act, the
13 permitting authority of a State shall allow the owner
14 or operator of a proposed new or modified advanced
15 manufacturing facility or critical mineral facility to
16 offset by alternative or innovative means expected
17 emissions increases under the following conditions:

18 “(A) The advanced manufacturing facility
19 or critical mineral facility demonstrates that it
20 has used all reasonable means to obtain and
21 utilize offsets for the emission increases beyond
22 allowable levels, that all available offsets are
23 being used by other sources, and that sufficient
24 offsets are not available to the source.

“(B) The advanced manufacturing facility or critical mineral facility complies with an alternative offset measure, established by the permitting authority, designed to offset any emission increases beyond permitted levels not directly offset by the source. In lieu of imposing any alternative offset measures, the permitting authority may impose an emissions fee to be paid to such authority of a State which shall be an amount no greater than 1.5 times the average cost of stationary source control measures adopted in the area during the previous 3 years. The permitting authority shall utilize the fees in a manner that maximizes the emissions reductions in that area.

“(3) DEFINITIONS.—In this subsection:

“(A) ADVANCED MANUFACTURING FACILITY.—The term ‘advanced manufacturing facility’ means a facility for which the primary purpose is the manufacturing of semiconductors or semiconductor manufacturing equipment.

“(B) CRITICAL MINERAL FACILITY.—The term ‘critical mineral facility’ means a facility for which the primary purpose is the extraction, processing, refining, or milling of a critical min-

- 1 eral as designated by the Secretary of the Inte-
- 2 rior.”.