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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Clean Air Act to establish authority for the President to waive the requirement for an advanced manufacturing facility or a critical mineral facility to offset increased emissions of any air pollutant, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. PALMER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Clean Air Act to establish authority for the President to waive the requirement for an advanced manufacturing facility or a critical mineral facility to offset increased emissions of any air pollutant, 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”.

1 **SEC. 2. SUPPORTING CRITICAL MANUFACTURING.**

2 Section 173 of the Clean Air Act (42 U.S.C. 7503)
3 is amended—

4 (1) in subsection (c), by adding at the end the
5 following:

6 “(3) NATIONAL SECURITY WAIVER.—Upon applica-
7 tion by the owner or operator of a new or modified ad-
8 vanced manufacturing facility or critical mineral facility
9 (as such terms are defined in subsection (f)(2)), the Presi-
10 dent may waive, in whole or in part, any requirement that
11 is in effect under this part for such advanced manufac-
12 turing facility or critical mineral facility to offset increased
13 emissions of any air pollutant if the President determines
14 it is in the national security interests of the United States
15 to waive such requirement. The President may not dele-
16 gate such a determination to any other person.”; and

17 (2) by adding at the end the following:

18 “(f) ALTERNATIVE REQUIREMENTS FOR ADVANCED
19 MANUFACTURING FACILITIES AND CRITICAL MINERAL
20 FACILITIES.—

21 “(1) IN GENERAL.—The permitting authority of
22 a State shall allow a new or modified major sta-
23 tionary source that is an advanced manufacturing
24 facility or a critical mineral facility to offset emis-
25 sions from such source by alternative or innovative
26 means under the following conditions:

1 “(A) The source demonstrates to the satis-
2 faction of the permitting authority of the State
3 that it has used all reasonable means to obtain
4 and utilize offsets, as determined on an annual
5 basis, for the emissions increases beyond allow-
6 able levels, that all available offsets are being
7 used, and that sufficient offsets are not avail-
8 able to the source.

9 “(B) The source will comply with an alter-
10 native measure, imposed by the permitting au-
11 thority, designed to offset any emission in-
12 creases beyond permitted levels not directly off-
13 set by the source. In lieu of imposing any alter-
14 native offset measures, the permitting authority
15 may impose an emissions fee to be paid to such
16 authority of a State which shall be an amount
17 no greater than 1.5 times the average cost of
18 stationary source control measures adopted in
19 that area during the previous 3 years. The per-
20 mitting authority shall utilize the fees in a man-
21 ner that maximizes the emissions reductions in
22 that area.

23 “(2) DEFINITIONS.—In this subsection:

24 “(A) ADVANCED MANUFACTURING FACIL-
25 ITY.—The term ‘advanced manufacturing facil-

1 ity’ means a facility the primary purpose of
2 which is the manufacturing of semiconductors
3 or semiconductor manufacturing equipment.

4 “(B) CRITICAL MINERAL FACILITY.—The
5 term ‘critical mineral facility’ means a facility
6 primary purpose of which is the extraction,
7 processing, refining, or milling of a critical min-
8 eral (as designated by the Secretary of the Inte-
9 rior).”.