

# Union Calendar No. 544

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6373

[Report No. 119-627]

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.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2025

Mr. PALMER introduced the following bill; which was referred to the  
Committee on Energy and Commerce

APRIL 28, 2026

Additional sponsors: Mr. CRENSHAW, Mr. WEBER of Texas, Mr. MOORE of Alabama, Mr. GOLDMAN of Texas, Mrs. FEDORCHAK, Mr. ALLEN, Mr. CARTER of Georgia, Mr. ONDER, Mr. LANGWORTHY, Mr. MOOLENAAR, and Mrs. KIM

APRIL 28, 2026

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

# **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”.

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

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

9 (1) in subsection (c), by adding at the end the  
10 following:

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

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

23 “(f) ALTERNATIVE REQUIREMENTS FOR ADVANCED  
24 MANUFACTURING FACILITIES AND CRITICAL MINERAL  
25 FACILITIES.—

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

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

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

1           mitting authority shall utilize the fees in a man-  
2           ner that maximizes the emissions reductions in  
3           that area.

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

5                   “(A) ADVANCED MANUFACTURING FACIL-  
6           ITY.—The term ‘advanced manufacturing facil-  
7           ity’ means a facility the primary purpose of  
8           which is the manufacturing of semiconductors  
9           or semiconductor manufacturing equipment.

10                   “(B) CRITICAL MINERAL FACILITY.—The  
11           term ‘critical mineral facility’ means a facility  
12           primary purpose of which is the extraction,  
13           processing, refining, or milling of a critical min-  
14           eral (as designated by the Secretary of the Inte-  
15           rior).”.

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