

117TH CONGRESS  
1ST SESSION

# H. R. 1855

To promote new manufacturing in the United States by providing for greater transparency and timeliness in obtaining necessary permits, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2021

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

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## A BILL

To promote new manufacturing in the United States by providing for greater transparency and timeliness in obtaining necessary permits, 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 “Promoting New Manu-  
5 facturing Act”.

6 **SEC. 2. BUILDING AND MANUFACTURING PROJECTS DASH-**  
7 **BOARD.**

8 (a) IN GENERAL.—The Administrator shall, with re-  
9 spect to fiscal year 2016 and each subsequent fiscal year,

1 publish in a readily accessible location on the Environ-  
2 mental Protection Agency's public website the Agency's  
3 estimate of the following:

4 (1) The total number of preconstruction per-  
5 mits issued during the fiscal year.

6 (2) The percentage of such preconstruction per-  
7 mits issued within one year after the date of filing  
8 of a completed application.

9 (3) The average length of time for the Agency's  
10 Environmental Appeals Board to issue a final deci-  
11 sion on petitions appealing decisions to grant or  
12 deny a preconstruction permit application.

13 (b) INITIAL PUBLICATION; UPDATES.—The Adminis-  
14 trator shall—

15 (1) make the publication required by subsection  
16 (a) for fiscal years 2016 through 2020 not later  
17 than 60 days after the date of enactment of this  
18 Act; and

19 (2) update such publication not less than annu-  
20 ally.

21 (c) SOURCES OF INFORMATION.—In carrying out this  
22 section:

23 (1) With respect to information to be published  
24 for fiscal years 2016 through 2020, the Environ-  
25 mental Protection Agency's estimates shall be based

1 on information that is in the Agency’s possession as  
2 of the date of enactment of this Act, including infor-  
3 mation in the RACT/BACT/LAER Clearinghouse  
4 database.

5 (2) With respect to information to be published  
6 for any fiscal year, nothing in this section compels  
7 the Environmental Protection Agency to seek or col-  
8 lect any information in addition to the information  
9 that is voluntarily provided by States and local air  
10 agencies for the RACT/BACT/LAER Clearinghouse  
11 database.

12 **SEC. 3. TIMELY ISSUANCE OF REGULATIONS AND GUID-**  
13 **ANCE TO ADDRESS NEW OR REVISED NA-**  
14 **TIONAL AMBIENT AIR QUALITY STANDARDS**  
15 **IN PRECONSTRUCTION PERMITTING.**

16 (a) IN GENERAL.—In publishing any final rule estab-  
17 lishing or revising a national ambient air quality standard,  
18 the Administrator shall, as the Administrator determines  
19 necessary and appropriate to assist States, permitting au-  
20 thorities, and permit applicants, concurrently publish reg-  
21 ulations and guidance for implementing the standard, in-  
22 cluding information relating to submission and consider-  
23 ation of a preconstruction permit application under the  
24 new or revised standard.

1           (b)       APPLICABILITY       OF       STANDARD       TO  
2 PRECONSTRUCTION PERMITTING.—If the Administrator  
3 fails to publish final regulations and guidance that include  
4 information relating to submission and consideration of a  
5 preconstruction permit application under a new or revised  
6 national ambient air quality standard concurrently with  
7 such standard, then such standard shall not apply to the  
8 review and disposition of a preconstruction permit applica-  
9 tion until the Agency has published such final regulations  
10 and guidance.

11           (c) RULES OF CONSTRUCTION.—

12               (1) After publishing regulations and guidance  
13 for implementing national ambient air quality stand-  
14 ards under subsection (a), nothing in this section  
15 shall preclude the Environmental Protection Agency  
16 from issuing subsequent regulations or guidance to  
17 assist States and facilities in implementing such  
18 standards.

19               (2) Nothing in this section shall be construed to  
20 eliminate the obligation of a preconstruction permit  
21 applicant to install best available control technology  
22 and lowest achievable emission rate technology, as  
23 applicable.

24               (3) Nothing in this section shall be construed to  
25 limit the authority of a State, local, or Tribal per-

1       mitting authority to impose more stringent emissions  
2       requirements pursuant to State, local, or Tribal law  
3       than Federal national ambient air quality standards  
4       established by the Environmental Protection Agency.

5       **SEC. 4. REPORT TO CONGRESS ON ACTIONS TO EXPEDITE**  
6                               **REVIEW OF PRECONSTRUCTION PERMITS.**

7       (a) IN GENERAL.—Not later than 180 days after the  
8       date of enactment of this Act, and annually thereafter,  
9       the Administrator shall submit to Congress a report—

10               (1) identifying the activities being undertaken  
11               by the Environmental Protection Agency to increase  
12               the efficiency of the preconstruction permitting proc-  
13               ess;

14               (2) identifying the specific reasons for delays in  
15               issuing—

16                       (A) preconstruction permits required under  
17                       part C of the Clean Air Act (42 U.S.C. 7470  
18                       et seq.) beyond the one-year statutory deadline  
19                       mandated by section 165(c) of the Clean Air  
20                       Act (42 U.S.C. 7475(c)); or

21                       (B) preconstruction permits required under  
22                       part D of the Clean Air Act (42 U.S.C. 7501  
23                       et seq.) beyond the one-year period beginning  
24                       on the date on which the permit application is  
25                       determined to be complete;

1           (3) describing how the Agency is resolving  
2           delays in making completeness determinations for  
3           preconstruction permit applications;

4           (4) describing how the Agency is resolving proc-  
5           essing delays for preconstruction permits, including  
6           any increases in communication with State and local  
7           permitting authorities; and

8           (5) summarizing and responding to public com-  
9           ments concerning the report received under sub-  
10          section (b).

11          (b) PUBLIC COMMENT.—Before submitting each re-  
12          port required by subsection (a), the Administrator shall  
13          publish a draft report on the website of the Environmental  
14          Protection Agency and provide the public with a period  
15          of at least 30 days to submit comments on the draft re-  
16          port.

17          (c) SOURCES OF INFORMATION.—Nothing in this sec-  
18          tion compels the Environmental Protection Agency to seek  
19          or collect any information in addition to the information  
20          that is voluntarily provided by States and local air agen-  
21          cies for the RACT/BACT/LAER Clearinghouse database.

22          **SEC. 5. DEFINITIONS.**

23          In this Act:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Environ-  
3           mental Protection Agency.

4           (2) BEST AVAILABLE CONTROL TECH-  
5           NOLOGY.—The term “best available control tech-  
6           nology” has the meaning given to that term in sec-  
7           tion 169(3) of the Clean Air Act (42 U.S.C.  
8           7479(3)).

9           (3) LOWEST ACHIEVABLE EMISSION RATE.—  
10          The term “lowest achievable emission rate” has the  
11          meaning given to that term in section 171(3) of the  
12          Clean Air Act (42 U.S.C. 7501(3)).

13          (4) MAJOR EMITTING FACILITY; MAJOR STA-  
14          TIONARY SOURCE.—The terms “major emitting fa-  
15          cility” and “major stationary source” have the  
16          meanings given to those terms in section 302(j) of  
17          the Clean Air Act (42 U.S.C. 7602(j)).

18          (5) NATIONAL AMBIENT AIR QUALITY STAND-  
19          ARD.—The term “national ambient air quality  
20          standard” means a national ambient air quality  
21          standard for an air pollutant under section 109 of  
22          the Clean Air Act (42 U.S.C. 7409) that is finalized  
23          on or after the date of enactment of this Act.

24          (6) PRECONSTRUCTION PERMIT.—The term  
25          “preconstruction permit”—

1           (A) means a permit that is required under  
2           part C or D of title I of the Clean Air Act (42  
3           U.S.C. 7470 et seq.) for the construction or  
4           modification of a major emitting facility or  
5           major stationary source; and

6           (B) includes any such permit issued by the  
7           Environmental Protection Agency or a State,  
8           local, or Tribal permitting authority.

9           (7)    **RACT/BACT/LAER    CLEARINGHOUSE**  
10          **DATABASE.**—The term “RACT/BACT/LAER Clear-  
11          inghouse database” means the central database of  
12          air pollution technology information that is posted  
13          on the Environmental Protection Agency’s website.

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