

119TH CONGRESS
1ST SESSION

H. R. 5927

To amend the Defense Production Act of 1950 to accelerate designated critical artificial intelligence infrastructure projects as a priority national defense projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 2025

Mr. BARR introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Defense Production Act of 1950 to accelerate designated critical artificial intelligence infrastructure projects as a priority national defense projects, 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 “Securing Reliable
5 Power for Advanced Technologies Act”.

1 **SEC. 2. ACCELERATION OF DESIGNATED CRITICAL ARTIFI-**
2 **CIAL INTELLIGENCE INFRASTRUCTURE**
3 **PROJECTS.**

4 (a) IN GENERAL.—Title III of the Defense Produc-
5 tion Act of 1950 (50 U.S.C. 4531 et seq.) is amended by
6 adding at the end the following:

7 **“SEC. 306. ACCELERATION OF DESIGNATED CRITICAL ARTI-**
8 **FICIAL INTELLIGENCE INFRASTRUCTURE**
9 **PROJECTS.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) COVERED PROJECT.—The term ‘covered
12 project’ means a project to construct, expand,
13 repower, or reopen critical artificial intelligence in-
14 frastructure.

15 “(2) CRITICAL ARTIFICIAL INTELLIGENCE IN-
16 FRASTRUCTURE.—The term ‘critical artificial intel-
17 ligence infrastructure’ means—

18 “(A) one or more data centers or high-per-
19 formance computing facilities with a total con-
20 nected electrical load of not less than 50
21 megawatts that is primarily dedicated to the
22 training, development, or inference of artificial
23 intelligence or other machine learning models;

24 “(B) any dispatchable baseload electric
25 generation facility—

1 “(i) with a nameplate capacity of not
2 less than 100 megawatts;

3 “(ii) capable, without regard to re-
4 strictions on use imposed solely for reasons
5 other than engineering design or physical
6 capability, of providing firm, dispatchable
7 capacity and continuous electric service for
8 not less than 85 percent of the hours in a
9 typical calendar year;

10 “(iii) that does not derive its primary
11 energy input from intermittent renewable
12 sources, with or without energy storage;
13 and

14 “(iv) is contractually committed, in
15 whole or material part, to provide firm,
16 dispatchable electric supply to facilities de-
17 scribed in subparagraph (A), through the
18 applicable retail electric utility or coopera-
19 tive serving such facilities, consistent with
20 State service laws;

21 “(C) associated high-voltage electric trans-
22 mission facilities, including any network trans-
23 mission upgrades necessary to reliably serve the
24 facilities, essential to interconnect facilities de-
25 scribed in subparagraph (A) or (B); or

1 “(D) fuel supply infrastructure essential to
2 the operation of facilities described in subpara-
3 graph (B), including—

4 “(i) coal mines and coal preparation
5 facilities, as defined in section 701 of the
6 Surface Mining Control and Reclamation
7 Act of 1977 (30 U.S.C. 1291);

8 “(ii) natural gas gathering, proc-
9 essing, storage, and transportation facili-
10 ties subject to the Natural Gas Act (15
11 U.S.C. 717 et seq.);

12 “(iii) oil and gas wells and wellhead
13 production facilities (as defined in section
14 3(4) of the Federal Oil and Gas Royalty
15 Management Act of 1982 (30 U.S.C.
16 1702(4))), together with oil or petroleum
17 product pipelines and related terminals (as
18 such term relates to hazardous liquid pipe-
19 line facilities under section 60101(a)(22)
20 of title 49, United States Code); and

21 “(iv) rail, barge, or other transpor-
22 tation infrastructure (as such terms are
23 used in sections 13102(27) of title 49 and
24 2101(3) of title 46, United States Code)

1 materially dedicated to the delivery of fuel
2 to such facilities.

3 “(3) FEDERAL AUTHORIZATION.—The term
4 ‘Federal authorization’ means any permit, license,
5 approval, or other administrative decision required
6 under Federal law to site, construct, expand, oper-
7 ate, or maintain a covered project.

8 “(b) PRESIDENTIAL DESIGNATION.—The President
9 may designate one or more covered projects as priority na-
10 tional defense projects and publish such designation in the
11 Federal Register.

12 “(c) CONCURRENT PERMITTING.—

13 “(1) COORDINATION.—For any covered project
14 designated under subsection (a), the President shall
15 require each head of a Federal agency with responsi-
16 bility for issuing permits, licenses, or approvals to—

17 “(A) conduct reviews concurrently to the
18 maximum extent practicable and consistent with
19 applicable law; and

20 “(B) adhere to a consolidated schedule es-
21 tablished by the President in accordance with
22 paragraph (2).

23 “(2) SCHEDULE.—The President shall ensure
24 that a consolidated schedule described in paragraph
25 (1)—

1 “(A) establishes interim milestones and
2 deadlines for action by the head of a Federal
3 agency described in paragraph (1) with respect
4 to the designated covered project; and

5 “(B) requires completion of all necessary
6 Federal authorizations not later than 2 years
7 after receipt of a complete application from the
8 owner of the covered project, unless the Presi-
9 dent determines that additional time is required
10 due to extraordinary circumstances.

11 “(3) CONSULTATION.—The President may con-
12 sult with State, Tribal, or local permitting authori-
13 ties in developing the consolidated schedule de-
14 scribed in paragraph (2).

15 “(4) ENFORCEMENT.—Failure by a Federal
16 agency to adhere to the consolidated schedule estab-
17 lished for a designated covered project unless ap-
18 proved by the President shall be treated as a failure
19 to act under section 706(1) of title 5, United States
20 Code.

21 “(5) DISPUTE RESOLUTION.—

22 “(A) IN GENERAL.—The President or a
23 designee described in subparagraph (B) shall
24 have exclusive authority to resolve disputes

1 among Federal agencies regarding the scope,
2 schedule, or terms of Federal authorizations.

3 “(B) DESIGNEE DESCRIBED.—The Presi-
4 dent may, for a covered project, assign a des-
5 ignee as follows:

6 “(i) The Secretary of Defense.

7 “(ii) After publication in the Federal
8 Register, the head of another Federal
9 agency.

10 “(d) ENVIRONMENTAL REVIEW.—The President
11 shall designate a single Federal agency to serve as the lead
12 agency responsible for preparing all environmental reviews
13 and related documents for a designated covered project,
14 which shall be deemed sufficient for such reviews required
15 for relevant Federal authorizations.

16 “(e) JUDICIAL REVIEW.—

17 “(1) VENUE; LIMITATION.—A civil action seek-
18 ing review of a designation under subsection (b)
19 shall be brought only in the District of Columbia
20 Circuit. A civil action seeking review of a Federal
21 authorization under subsection (c) shall be brought
22 in the United States Court of Appeals for the circuit
23 in which the covered project is principally located.

24 “(2) TIMING OF CIVIL ACTIONS.—A civil action
25 described in paragraph (1) may only be brought dur-

1 ing the 60-day period following the date on which
2 the applicable designation or authorization is made.

3 “(3) EXPEDITED CONSIDERATION.—The United
4 States Court of Appeals for the District of Columbia
5 Circuit shall provide expedited consideration for a
6 civil action described in paragraph (1), and shall
7 issue a final decision on the merits not later than 60
8 days after date of filing of the complaint. Such deci-
9 sion may only be appealed to the Supreme Court of
10 the United States.

11 “(4) INJUNCTIVE RELIEF.—The United States
12 Court of Appeals for the District of Columbia Cir-
13 cuit may not issue a preliminary injunction for a
14 civil action described in paragraph (1) unless the
15 court finds a designation or an authorization that is
16 the subject of the civil action is arbitrary, capricious,
17 or contrary to law. Any injunctive relief shall be nar-
18 rowly tailored to remedy such defect.

19 “(5) REMEDIES.—The United States Court of
20 Appeals for the District of Columbia Circuit may not
21 vacate a designation or authorization unless the
22 court finds by clear and convincing evidence that the
23 designation or authorization is unlawful. Relief shall
24 be limited to the covered project that is the subject
25 of the civil action.

1 “(f) NATIONAL DEFENSE EXEMPTION.—The Presi-
2 dent may, by executive order, exempt a covered project
3 designated under this section from the application of new
4 emissions limitations or operational requirements promul-
5 gated under Federal law after the date of designation, if
6 the President determines and publishes in the Federal
7 Register that—

8 “(1) the continued operation of such project is
9 necessary for national defense (as defined in section
10 702 of this Act); and

11 “(2) application of such new requirements
12 would materially impair the ability of the project to
13 provide critical capacity in support of national de-
14 fense.

15 “(g) COMPENSATION FOR FEDERAL REGULATORY
16 IMPAIRMENT.—

17 “(1) RIGHT TO COMPENSATION.—If, after a
18 project or facility is designated under subsection (b),
19 any change in Federal statute, regulation, agency
20 order, or permit condition imposed by a Federal
21 agency prohibits or materially impairs the operation
22 of a facility described in subsection (a)(2) for a con-
23 tinuous period of not less than 180 days—despite
24 the facility’s compliance with all previously applica-
25 ble Federal requirements—the United States shall

1 pay monetary compensation to the owner or operator
2 for the resulting loss in value and revenue, as deter-
3 mined under paragraph (2).

4 “(2) DETERMINATION OF COMPENSATION
5 AMOUNT.—The amount of compensation shall equal
6 the diminution in fair market value of the facility
7 and the reasonably foreseeable loss of net revenue
8 directly caused by the Federal action, as determined
9 by an independent appraisal using generally accept-
10 ed valuation methodologies that exclude unrelated
11 market fluctuations or voluntary retirements.

12 “(3) PROCEDURE.—A claim shall be filed with
13 the lead agency designated under subsection (d)
14 within 270 days after the impairment period de-
15 scribed in paragraph (1) is satisfied. The lead agen-
16 cy shall issue a final written determination within
17 180 days after a complete claim is filed. Failure to
18 act within that period shall constitute final agency
19 action for purposes of subsection (e).

20 “(4) SOURCE OF FUNDS.—Compensation under
21 this subsection shall be paid from the Defense Pro-
22 duction Act Fund established under section 304 of
23 this Act, subject to the availability of appropriations.
24 The head of the lead agency may enter into binding

1 settlement agreements to satisfy liability under this
2 subsection.

3 “(5) LIMITATIONS AND EXCLUSIONS.—No com-
4 pensation shall be paid for losses attributable to—

5 “(A) gross negligence, willful misconduct,
6 or knowing violation of law by the claimant;

7 “(B) voluntary retirement, decommis-
8 sioning, or mothballing decisions not compelled
9 by the Federal action;

10 “(C) non-Federal actions or orders;

11 “(D) routine permitting delays or condi-
12 tions not rising to a material impairment; or

13 “(E) costs or losses already recovered from
14 ratepayers or third parties, or that would result
15 in double recovery.

16 The claimant shall have a duty to mitigate losses
17 reasonably.

18 “(6) REMEDIES AND SOVEREIGN IMMUNITY.—

19 The United States waives sovereign immunity for
20 monetary relief under this subsection, but not for
21 punitive, exemplary, incidental, or consequential
22 damages, and not for attorneys’ fees except as ex-
23 pressly provided by law. Venue, timing, expedited
24 consideration, and standards of review shall be as

1 set forth in subsection (e). Relief shall be limited to
2 payment of the compensation amount.

3 “(7) SUBROGATION.—Upon payment, the
4 United States shall be subrogated to the claimant’s
5 rights against any third party with respect to the
6 impairment to the extent of such payment.

7 “(h) TITLE III FINANCIAL ASSISTANCE FOR
8 DISPATCHABLE BASELOAD FACILITIES SERVING DES-
9 IGNATED PROJECTS.—

10 “(1) ELIGIBILITY.—A facility described in sub-
11 section (a)(2), including a coal-fueled facility meet-
12 ing subsection (a)(2)(A)–(C) and contractually dedi-
13 cated under subsection (a)(2)(D), shall be eligible to
14 receive financial assistance under sections 302 and
15 303 of this title, including loans and loan guaran-
16 tees, purchase commitments, and other instruments
17 to expand or preserve productive capacity necessary
18 to serve critical artificial intelligence infrastructure.

19 “(2) ADMINISTRATION.—The President may
20 carry out this subsection directly or through delega-
21 tion to the Secretary of Defense, the Secretary of
22 Energy, or another appropriate officer. Electric co-
23 operatives and their subsidiaries shall be eligible re-
24 cipients on the same terms as investor-owned or mu-
25 nicipal utilities.

1 “(3) TERMS.—Subject to sections 302 and 303,
2 assistance may cover up to 90 percent of reasonable
3 project costs, with a maximum maturity of 30 years
4 or 90 percent of the reasonably expected economic
5 life of the financed assets, whichever is shorter. The
6 President may require collateral, seniority, cov-
7 enants, or credit support as necessary to protect the
8 interests of the United States.

9 “(4) PRIORITY.—In making awards, the Presi-
10 dent shall give priority to facilities that—

11 “(A) directly supply one or more projects
12 designated under subsection (b);

13 “(B) can commence commercial operation
14 or repower within 36 months; and

15 “(C) materially improve regional reliability
16 margins as determined by the applicable reli-
17 ability entity.

18 “(5) USE OF FUNDS.—Amounts made available
19 to carry out title III may be used to provide assist-
20 ance under this subsection, including for pre-con-
21 struction activities, long-lead equipment, environ-
22 mental controls, and interconnection or network up-
23 grades essential to serve designated projects.

24 “(6) GUIDANCE.—Not later than 180 days
25 after the date of enactment of this section, the

1 President (or designee) shall issue guidance estab-
2 lishing application procedures and standard terms
3 for assistance under this subsection.

4 “(i) FUNDING.—Amounts made available under this
5 title may be used to carry out the consolidated schedule
6 described in subsection (c)(2), including for staff, tech-
7 nical reviews, or contracting necessary to meet the require-
8 ments of such consolidated schedule.

9 “(j) ACCESS TO FUNDING.—In carrying out this sec-
10 tion, the President shall ensure that rural electric coopera-
11 tives that are eligible for financing, loans, and loan guar-
12 antees available through the Rural Utilities Service of the
13 Department of Agriculture can be designated as a covered
14 project, including such cooperatives involved in the genera-
15 tion, transmission, or interconnection of facilities that sup-
16 port critical artificial intelligence infrastructure.”.

17 (b) CONFORMING AMENDMENT.—Section 702(14) of
18 the Defense Production Act of 1950 (50 U.S.C. 4552(14))
19 is amended by inserting “(including critical artificial intel-
20 ligence infrastructure designated under section 306)”
21 after “critical infrastructure protection and restoration”.

○