

119TH CONGRESS
2D SESSION

H. R. 9808

To amend the Clean Air Act to require Congress to approve of the application of certain executive exemptions under that Act, to strike an exemption under that Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2026

Ms. MATSUI (for herself, Mr. BEYER, Ms. DEXTER, Mr. LEVIN, Ms. McCLELLAN, Ms. BONAMICI, Mr. CARTER of Louisiana, Mr. CASTEN, Ms. CASTOR of Florida, Mr. COHEN, Mr. HUFFMAN, Ms. JAYAPAL, Mr. KRISHNAMOORTHY, Mr. LARSON of Connecticut, Ms. MCCOLLUM, Mr. MULLIN, Ms. NORTON, Ms. SCHAKOWSKY, Ms. TLAIB, Mr. VARGAS, and Ms. WASSERMAN SCHULTZ) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Clean Air Act to require Congress to approve of the application of certain executive exemptions under that Act, to strike an exemption under that Act, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “No Passes for Pol-
3 luters Act of 2026”.

4 **SEC. 2. CONGRESSIONAL APPROVAL OF USE OF EXEMP-**
5 **TIONS UNDER THE CLEAN AIR ACT.**

6 (a) APPROVAL PROCESS.—

7 (1) IN GENERAL.—Title III of the Clean Air
8 Act (42 U.S.C. 7601 et seq.) is amended by adding
9 at the end the following:

10 **“SEC. 330. CONGRESSIONAL APPROVAL OF USE OF EXEMP-**
11 **TIONS.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) COMPTROLLER GENERAL.—The term
14 ‘Comptroller General’ means the Comptroller Gen-
15 eral of the United States.

16 “(2) COVERED EXEMPTION.—

17 “(A) IN GENERAL.—The term ‘covered ex-
18 emption’ means an exemption, including the
19 adoption of regulations or issuance of orders, as
20 applicable, under—

21 “(i) section 118(b);

22 “(ii) section 248(e); and

23 “(iii) section 604(f).

24 “(B) INCLUSION.—The term ‘covered ex-
25 emption’ includes an extension of a covered ex-

1 emption, if that extension is authorized under
2 applicable law.

3 “(3) JOINT RESOLUTION.—The term ‘joint res-
4 olution’ means a joint resolution of the House of
5 Representatives or the Senate that only expresses
6 the approval of Congress of a proposed use of a cov-
7 ered exemption set forth in a special message.

8 “(4) SPECIAL MESSAGE.—The term ‘special
9 message’ means a special message transmitted by
10 the President to the Senate and the House of Rep-
11 resentatives pursuant to subsection (c)(1).

12 “(b) LIMITATION ON USE OF EXEMPTIONS.—Not-
13 withstanding any other provision of this Act—

14 “(1) neither the President, the Administrator,
15 the head of any Federal department or agency, nor
16 any office or employee of the United States may use
17 a covered exemption or, as applicable, extend a cov-
18 ered exemption except after a joint resolution is en-
19 acted in accordance with this section; and

20 “(2) neither the use of a covered exemption nor,
21 as applicable, the extension of a covered exemption
22 shall have any force or effect except after a joint res-
23 olution is enacted in accordance with this section.

24 “(c) PROPOSED USE OF EXEMPTION.—

1 “(1) TRANSMITTAL OF SPECIAL MESSAGE.—

2 Whenever the President, the Administrator, the head
3 of any Federal department or agency, or any officer
4 or employee of the United States proposes to use a
5 covered exemption, the President shall transmit to
6 the Senate and the House of Representatives, elec-
7 tronically or through physical means, a special mes-
8 sage describing—

9 “(A) the covered exemption proposed to be
10 used;

11 “(B) the period of time during which the
12 covered exemption is proposed to be used;

13 “(C) the reasons for the proposed use of a
14 covered exemption, including any legal authority
15 invoked to justify that proposed use; and

16 “(D) all facts, circumstances, and consid-
17 erations relating to or bearing on the proposed
18 use of the covered exemption, including—

19 “(i) an analysis of the application of
20 those facts, circumstances and consider-
21 ations to any legal authority invoked to
22 justify the proposed use of the covered ex-
23 emption; and

1 “(ii) to the maximum extent prac-
2 ticable, the estimated effect of the pro-
3 posed use.

4 “(2) INCLUSION OF MULTIPLE USES.—A special
5 message may include 1 or more proposed uses of
6 covered exemptions.

7 “(3) CONSISTENCY WITH LEGISLATIVE POL-
8 ICY.—

9 “(A) IN GENERAL.—The use of a covered
10 exemption shall only be permissible as specifi-
11 cally provided by law.

12 “(B) LIMITATION.—No officer or employee
13 of the United States may use a covered exemp-
14 tion for any purpose other than a purpose de-
15 scribed in subparagraph (A).

16 “(d) TRANSMISSION OF SPECIAL MESSAGES; PUBLI-
17 CATION.—

18 “(1) DELIVERY TO HOUSES OF CONGRESS.—

19 “(A) IN GENERAL.—Each special message
20 shall—

21 “(i) be transmitted to the Senate and
22 the House of Representatives on the same
23 day;

24 “(ii) if the Senate is not in session on
25 the day the special message is transmitted,

1 be delivered to the Secretary of the Senate;
2 and

3 “(iii) if the House of Representatives
4 is not in session on the day the special
5 message is transmitted, be delivered to the
6 Clerk of the House of Representatives.

7 “(B) COMMITTEE REFERRAL; PRINTING.—
8 Each special message transmitted to the Senate
9 and the House of Representatives shall—

10 “(i) be referred to the appropriate
11 committee of the Senate and the House of
12 Representatives; and

13 “(ii) be printed as a document of each
14 House.

15 “(2) DELIVERY TO COMPTROLLER GENERAL.—

16 “(A) IN GENERAL.—A copy of each special
17 message shall be transmitted to the Comptroller
18 General on the same day that the special mes-
19 sage is transmitted to the Senate and the
20 House of Representatives.

21 “(B) NOTIFICATION.—In order to assist
22 Congress in the exercise of the functions of
23 Congress under this section, the Comptroller
24 General shall review each special message and

1 notify the Senate and the House of Representa-
2 tives as soon as practicable as to—

3 “(i) the facts surrounding the pro-
4 posed use of the applicable covered exemp-
5 tion; and

6 “(ii) whether or not (or to what ex-
7 tent), in the judgment of the Comptroller
8 General, the proposed use of the applicable
9 covered exemption is in accordance with
10 existing statutory authority.

11 “(3) TRANSMISSION OF SUPPLEMENTARY MES-
12 SAGES.—

13 “(A) IN GENERAL.—If any information
14 contained in a special message is subsequently
15 revised, the President shall transmit to both
16 Houses of Congress and the Comptroller Gen-
17 eral a supplementary message stating and ex-
18 plaining the revision.

19 “(B) APPLICABILITY OF PROVISIONS.—
20 Any supplementary message under subpara-
21 graph (A) shall be delivered, referred, and
22 printed as provided in paragraph (1).

23 “(C) COMPTROLLER GENERAL NOTIFICA-
24 TION.—The Comptroller General shall promptly
25 notify the Senate and the House of Representa-

tives of any change in the notification under paragraph (2)(B) that may necessitated by the supplementary message under subparagraph (A).

“(4) PRINTING IN FEDERAL REGISTER.—Any special message transmitted to Congress, and any supplementary message transmitted to Congress under paragraph (3)(A), shall be printed in the first issue of the Federal Register published after the transmission.

“(5) CUMULATIVE REPORTS.—

“(A) IN GENERAL.—Not later than the 10th day of each month during a fiscal year, the President shall submit to the Senate and the House of Representatives a report that describes—

“(i) as of the first day of that month, each special message transmitted to Congress during the previous month; and

“(ii) with respect to each special message transmitted to Congress during the previous month, the information required to be submitted in that special message.

“(B) PUBLICATION.—Each report submitted under subparagraph (A) shall be printed

1 in the first issue of the Federal Register pub-
2 lished after the submission of the report to the
3 Senate and the House of Representatives.

4 “(e) REPORTS BY COMPTROLLER GENERAL.—

5 “(1) IN GENERAL.—The Comptroller General
6 shall submit to both Houses of Congress a report de-
7 scribed in paragraph (2) if the Comptroller General
8 finds that—

9 “(A) the President, the Administrator, the
10 head of any department or agency of the
11 United States, or any other officer or employee
12 of the United States has ordered, permitted, or
13 approved the use of an exemption under this
14 Act that is a covered exemption; and

15 “(B) the President has failed to transmit
16 a special message with respect to the use of the
17 covered exemption.

18 “(2) REPORT.—A report under paragraph (1)
19 shall include any available information concerning
20 the use of a covered exemption described in that
21 paragraph.

22 “(3) APPLICABILITY.—With respect to a report
23 under paragraph (1)—

24 “(A) the provisions of this section shall
25 apply to the proposed use of a covered exemp-

tion described in that report in the same manner and with the same effect as if the report were a special message transmitted by the President; and

“(B) for purposes of this section, the report shall be considered a special message.

“(f) PROCEDURE IN THE SENATE AND HOUSE.—

“(1) REFERRAL.—Any joint resolution introduced with respect to a special message shall be referred to the Committee on Environment and Public Works of the Senate or the Committee on Energy and Commerce of the House of Representatives, as applicable.

“(2) DISCHARGE OF COMMITTEE.—

“(A) IN GENERAL.—If the committee to which a joint resolution has been referred has not reported the joint resolution by the end of the 15-session day period that begins on the date of the introduction of the joint resolution, it shall be in order to move—

“(i) to discharge the committee from further consideration of the joint resolution; or

“(ii) to discharge the committee from further consideration of any other joint

1 resolution with respect to the same special
2 message with respect to the same proposed
3 use of a covered exemption, as the case
4 may be, that has been referred to the com-
5 mittee.

6 “(B) PROCEDURE ON FLOOR.—

7 “(i) MOTION TO DISCHARGE.—A mo-
8 tion to discharge described in subpara-
9 graph (A)—

10 “(I) may be made only—

11 “(aa) by an individual favor-
12 ing the joint resolution; and

13 “(bb) if supported by $\frac{1}{5}$ of
14 the Members of the applicable
15 House (a quorum being present);
16 and

17 “(II) may not be made after the
18 committee has reported a joint resolu-
19 tion with respect to the same special
20 message.

21 “(ii) STATUS.—A motion to discharge
22 described in subparagraph (A) is—

23 “(I) privileged in the Senate; and

24 “(II) highly privileged in the
25 House of Representatives.

1 “(iii) DEBATE.—Debate on a motion
2 to discharge in described in subparagraph
3 (A) shall be limited to not more than 1
4 hour in each House, the time for which—

5 “(I) in the Senate, shall be di-
6 vided equally between, and controlled
7 by, the majority leader and the minor-
8 ity leader (or their designees); and

9 “(II) in the House of Represent-
10 atives, shall be divided equally be-
11 tween those favoring and those oppos-
12 ing the joint resolution.

13 “(iv) NO AMENDMENT.—No amend-
14 ment to a motion to discharge described in
15 subparagraph (A) shall be in order.

16 “(v) NO MOTION TO RECONSIDER.—It
17 shall not be in order to move to reconsider
18 the vote by which a motion to discharge
19 described in subparagraph (A) is agreed to
20 or disagreed to.

21 “(3) FLOOR CONSIDERATION IN THE SEN-
22 ATE.—

23 “(A) DEBATE.—Debate in the Senate on
24 any joint resolution and debatable motions and
25 appeals in connection with that joint resolution

1 shall be limited to not more than 10 hours, with
2 the time to be equally divided between, and con-
3 trolled by, the majority leader and the minority
4 leader (or their designees).

5 “(B) MOTION TO FURTHER LIMIT DE-
6 BATE.—A motion to further limit debate on a
7 joint resolution is not debatable in the Senate.

8 “(C) NO AMENDMENTS OR MOTIONS TO
9 RECOMMIT.—No amendment to or motion to re-
10 commit a joint resolution is in order in the Sen-
11 ate.

12 “(D) VOTE REQUIRED.—The Senate may
13 only agree to a joint resolution on the affirma-
14 tive vote of $\frac{2}{3}$ of the Members of the Senate
15 present and voting.

16 “(4) PROCEDURE IN THE HOUSE.—

17 “(A) MOTION TO PROCEED.—

18 “(i) IN GENERAL.—When the Com-
19 mittee on Energy and Commerce of the
20 House of Representatives has reported, or
21 has been discharged from further consider-
22 ation, a joint resolution, it shall at any
23 time thereafter be in order (even though a
24 previous motion to the same effect has

1 been disagreed to) to move to proceed to
2 the consideration of the joint resolution.

3 “(ii) STATUS.—A motion under clause
4 (i) shall be highly privileged and not debat-
5 able.

6 “(iii) NO AMENDMENTS OR MOTIONS
7 TO RECONSIDER.—No amendment to or
8 motion to reconsider a motion under clause
9 (i) shall be in order.

10 “(B) DEBATE.—

11 “(i) IN GENERAL.—Debate on a joint
12 resolution shall be limited to not more than
13 2 hours, which shall be divided equally be-
14 tween those favoring and those opposing
15 the joint resolution.

16 “(ii) MOTION TO FURTHER LIMIT DE-
17 BATE.—A motion to further limit debate
18 on a joint resolution in the House of Rep-
19 resentatives shall not be debatable.

20 “(iii) NO AMENDMENTS OR MOTIONS
21 TO RECOMMIT.—No amendment to or mo-
22 tion to recommit a joint resolution in the
23 House of Representatives is in order.

24 “(iv) NO MOTION TO RECONSIDER.—
25 It shall not be in order to move to recon-

1 sider the vote by which a joint resolution
2 is agreed to or disagreed to in the House
3 of Representatives.

4 “(v) APPEALS.—All appeals from the
5 decisions of the Chair relating to the appli-
6 cation of the Rules of the House of Rep-
7 resentatives to the procedure relating to a
8 joint resolution shall be decided without
9 debate.

10 “(vi) APPLICABILITY OF RULES.—Ex-
11 cept to the extent specifically provided in
12 this paragraph, consideration of a joint
13 resolution shall be governed by the Rules
14 of the House of Representatives applicable
15 to other joint resolutions in similar cir-
16 cumstances.

17 “(C) VOTE REQUIRED.—The House of
18 Representatives may only agree to a joint reso-
19 lution on the affirmative vote of $\frac{2}{3}$ of the Mem-
20 bers of the House of Representatives present
21 and voting.

22 “(5) CONTINUITY OF CONGRESS.—For purposes
23 of any time limit under this section—

1 “(A) the continuity of a session of Con-
2 gress shall be considered broken only by an ad-
3 journment of Congress sine die; and

4 “(B) the days on which either House is not
5 in session because of an adjournment of more
6 than 3 days to a day certain shall be excluded
7 in the computation of the 15-day period de-
8 scribed in paragraph (2)(A).

9 “(6) EXERCISE OF RULEMAKING POWERS.—
10 This subsection is enacted—

11 “(A) as an exercise of the rulemaking
12 power of the Senate and the House of Rep-
13 resentatives, respectively, and as such is deemed
14 a part of the rules of each House, respectively,
15 but only with respect to the procedure to be fol-
16 lowed in the House in the case of joint resolu-
17 tions, and supersedes other rules only to the ex-
18 tent that it is inconsistent with such other
19 rules; and

20 “(B) with full recognition of the constitu-
21 tional right of either House to change the rules
22 (relating to the procedure of that House) at any
23 time, in the same manner, and to the same ex-
24 tent as in the case of any other rule of that
25 House.

1 “(g) ENFORCEMENT.—A person may commence a
 2 civil action under section 304 on his or her own behalf
 3 against any person (including, notwithstanding any provi-
 4 sion of that section, the United States, the President, the
 5 Administrator, the head of any Federal department or
 6 agency, and any officer or employee of the United States)
 7 who is alleged to use a covered exemption a joint resolu-
 8 tion for which has not been enacted in accordance with
 9 this section.”.

10 (2) CONFORMING AMENDMENT.—Section
 11 304(b) of the Clean Air Act (42 U.S.C. 7604(b)) is
 12 amended, in the undesignated matter following para-
 13 graph (2), by striking “(f)(4)” and inserting “(f)(4),
 14 a civil action described in section 330(g), or”.

15 (b) OTHER AMENDMENTS.—

16 (1) EXEMPTION OF EXECUTIVE BRANCH EMIS-
 17 SIONS FROM REQUIREMENTS UNDER THE CLEAN AIR
 18 ACT.—Section 118(b) of the Clean Air Act (42
 19 U.S.C. 7418(b)) is amended—

20 (A) by striking the sixth sentence;

21 (B) by striking the fifth sentence and in-
 22 serting the following:

23 “(B) RECONSIDERATION.—The President
 24 shall reconsider the need for any regulations

1 issued under subparagraph (A) at 3-year inter-
2 vals.”;

3 (C) in the fourth sentence—

4 (i) by inserting “and subject to the
5 enactment of a joint resolution under sec-
6 tion 330 authorizing the regulations” after
7 “to do so”;

8 (ii) by striking “he determines” and
9 inserting “the President determines”; and

10 (iii) by striking “In addition to any
11 such exemption of a particular emission
12 source” and inserting the following:

13 “(2) EXEMPTION FOR MILITARY PROPERTY.—

14 “(A) IN GENERAL.—In addition to any ex-
15 emption of a particular emission source under
16 paragraph (1)”;

17 (D) in the third sentence—

18 (i) by inserting “, subject to the en-
19 actment of a new joint resolution under
20 section 330 authorizing the extension,”
21 after “exemptions may”; and

22 (ii) by striking “Any exemption” and
23 inserting the following:

24 “(C) TERM; EXTENSION.—Any exemp-
25 tion”;

1 (E) in the second sentence, by striking
2 “No such extension shall be granted due to”
3 and inserting the following:

4 “(B) REQUIREMENT.—The President may
5 not propose under section 330 to use an exemp-
6 tion under subparagraph (A) as a result of a”;
7 and

8 (F) in the first sentence, by striking “(b)
9 The President” and all that follows through “he
10 determines” and inserting the following:

11 “(b) EXEMPTIONS.—

12 “(1) EXECUTIVE BRANCH.—

13 “(A) IN GENERAL.—The President may,
14 subject to the enactment of a joint resolution
15 under section 330 authorizing the exemption,
16 exempt any emission source of any department,
17 agency, or instrumentality in the executive
18 branch from compliance with such a require-
19 ment if the President determines”.

20 (2) EXEMPTION FROM FEDERAL AGENCY
21 FLEET REQUIREMENTS.—Section 248(e) of the
22 Clean Air Act (42 U.S.C. 7588(e)) is amended by
23 inserting “, subject to the enactment of a joint reso-
24 lution under section 330 authorizing the exemption”
25 before the period at the end.

1 (3) EXEMPTION FROM PHASE-OUT OF PRODUC-
2 TION AND CONSUMPTION OF CERTAIN SUB-
3 STANCES.—Section 604(f) of the Clean Air Act (42
4 U.S.C. 7671c(f)) is amended—

5 (A) in the eighth sentence, by striking “No
6 exemption shall be granted under this para-
7 graph due to” and inserting the following:

8 “(3) REQUIREMENT.—The President may not
9 propose under section 330 to issue an order under
10 this subsection as a result of a”;

11 (B) in the seventh sentence, by striking
12 “Each such additional exemption” and inserting
13 the following:

14 “(B) PERIOD.—Each additional exemption
15 under subparagraph (A)”;

16 (C) by striking the sixth sentence and in-
17 serting the following:

18 “(2) EXTENSIONS.—

19 “(A) IN GENERAL.—The President may,
20 subject to the enactment of a new joint resolu-
21 tion under section 330 authorizing the addi-
22 tional exemption, grant additional exemptions
23 under this subsection.”;

24 (D) by striking the third, fourth, and fifth
25 sentences and inserting the following:

1 “(C) PERIOD.—An exemption under sub-
 2 paragraph (A) shall be for a specified period,
 3 which may not exceed 1 year.”;

4 (E) in the second sentence, by striking
 5 “Such orders” and inserting the following:

6 “(B) SCOPE.—An order under subpara-
 7 graph (A)”;

8 (F) in the first sentence—

9 (i) by inserting “, before seeking that
 10 joint resolution,” after “if the President”;

11 (ii) by inserting “and subject to the
 12 enactment of a joint resolution under sec-
 13 tion 330 authorizing the order” after
 14 “Montreal Protocol”; and

15 (iii) by striking “The President” and
 16 inserting the following:

17 “(1) ORDERS.—

18 “(A) IN GENERAL.—The President”.

19 **SEC. 3. REPEAL OF EXEMPTION FROM SCHEDULE FOR**
 20 **COMPLIANCE FOR HAZARDOUS AIR POLLUT-**
 21 **ANTS.**

22 (a) IN GENERAL.—Section 112(i) of the Clean Air
 23 Act (42 U.S.C. 7412(i)) is amended—

1 (1) in paragraph (3)(A), by striking “para-
2 graphs (4) through (8)” and inserting “paragraphs
3 (4) through (7)”;

4 (2) by striking paragraph (4); and

5 (3) by redesignating paragraphs (5) through
6 (8) as paragraphs (4) through (7), respectively.

7 (b) CONFORMING AMENDMENTS.—

8 (1) Section 112 of the Clean Air Act (42 U.S.C.
9 7412) is amended—

10 (A) in subsection (d)(8)(C), in the first
11 sentence, by striking “subsection (i)(8)” and in-
12 serting “subsection (i)(7)”;

13 (B) in subsection (j)(5)—

14 (i) in the second sentence, by striking
15 “subsection (i)(5)” and inserting “sub-
16 section (i)(4)”;

17 (ii) in the third sentence, by striking
18 “subsection (i)(5)(A)” and inserting “sub-
19 section (i)(4)(A)”.

20 (2) Paragraph (1)(A) of section 118(b) of the
21 Clean Air Act (42 U.S.C. 7418(b)) (as amended by
22 section 2(b)(1)) is amended, in the first sentence, by
23 striking “, and an exemption from section 112 may

1 be granted only in accordance with section
2 112(i)(4)’’.

○