

AMENDMENT TO
RULES COMMITTEE PRINT 119-22
OFFERED BY MR. ARRINGTON OF TEXAS

Add at the end of subtitle D of title XII the following new section:

1 **SEC. 12___. RENEWABLE FUEL STANDARD REFORMS.**

2 (a) IN GENERAL.—Section 211(o) of the Clean Air
3 Act (42 U.S.C. 7545(o)) is amended—

4 (1) in paragraph (2)(B), by adding at the end
5 the following:

6 “(vi) MAXIMUM CHANGES IN APPLICA-
7 BLE VOLUMES.—

8 “(I) IN GENERAL.—Notwith-
9 standing clauses (iii) through (v) and
10 the analyses required under sub-
11 clauses (I) through (VI) of clause (ii),
12 for the purpose of making the deter-
13 minations in clause (ii), the Adminis-
14 trator shall ensure that, for the first
15 calendar year that begins after the
16 date of enactment of this clause and
17 for each calendar year thereafter—

1 “(aa) the applicable volume
2 for renewable fuel that is not ad-
3 vanced biofuel does not exceed
4 the projected annual domestic
5 consumption of ethanol blended
6 fuel projected in the most recent
7 Annual Energy Outlook report of
8 the Energy Information Adminis-
9 tration for the applicable year;
10 and

11 “(bb) applicable volumes for
12 each of advanced biofuel, cellu-
13 losic biofuel, and biomass-based
14 diesel do not increase, as com-
15 pared to the previous calendar
16 year, by more than the applicable
17 percentage.

18 “(II) SAVINGS PROVISION.—
19 Nothing in subclause (I) requires the
20 Administrator to increase the applica-
21 ble volume for a renewable fuel in a
22 calendar year, as compared to the pre-
23 vious calendar year.

1 “(III) APPLICABLE PERCENT-
2 AGE.—In this clause, the term ‘appli-
3 cable percentage’ means—

4 “(aa) with respect to the
5 first calendar year that begins
6 after the date of enactment of
7 this clause, 10 percent;

8 “(bb) with respect to the
9 calendar year immediately fol-
10 lowing the calendar year specified
11 in item (aa), 8 percent;

12 “(cc) with respect to the cal-
13 endar year immediately following
14 the calendar year specified in
15 item (bb), 6 percent;

16 “(dd) with respect to the
17 calendar year immediately fol-
18 lowing the calendar year specified
19 in item (cc), 4 percent;

20 “(ee) with respect to the cal-
21 endar year immediately following
22 the calendar year specified in
23 item (dd), 2 percent;

24 “(ff) with respect to any cal-
25 endar year following the calendar

1 year specified in item (ee), 0 per-
2 cent.”;

3 (2) in paragraph (5)—

4 (A) in subparagraph (C), by striking “A
5 credit” and inserting “Except as provided in
6 subparagraph (F), a credit”; and

7 (B) by adding at the end the following:

8 “(F) EXTENDED DURATION OF CERTAIN
9 CREDITS.—A credit generated under this para-
10 graph in calendar year 2020 through 2022 may
11 be used to show compliance for any of the 5
12 calendar years following the date of the enact-
13 ment of this subparagraph, except that not
14 more than 20 percent of the credits used by a
15 person to demonstrate compliance with para-
16 graph (2) in a calendar year may be credits
17 that were generated in calendar year 2020
18 through 2022.

19 “(G) PROHIBITION.—In promulgating reg-
20 ulations under paragraph (2)(A) to carry out
21 this paragraph, the Administrator may not im-
22 pose a requirement to use an electric credit
23 (commonly referred to as an ‘e-RIN’).”; and

24 (3) in paragraph (9)—

25 (A) in subparagraph (B)—

1 (i) in clause (i), by striking “the ex-
2 emption” and inserting “an exemption”;

3 (ii) in clause (ii), by inserting after
4 “and other economic factors.” “Beginning
5 on date that is 1 year after the date of en-
6 actment of the Farm, Food, and National
7 Security Act of 2026, such economic fac-
8 tors shall be the following:

9 “(I) As applicable to small refin-
10 eries under the control of a holding
11 company, the cost of credits pur-
12 chased by such holding company to
13 demonstrate compliance with para-
14 graph (2) calendar year divided by the
15 revenue of such holding company over
16 the calendar year.

17 “(II) Whether the costs to a
18 small refinery of complying with the
19 requirements of paragraph (2) would
20 eliminate efficiency gains, as described
21 in the study of the Department of En-
22 ergy titled ‘Small Refinery Exemption
23 Study An Investigation into Dis-
24 proportionate Economic Hardship’
25 and dated March 2011.

1 “(III) Whether the costs to a
2 small refinery of complying with such
3 requirements are likely to lead to the
4 refinery ceasing to operate.

5 “(IV) Exceptional State regu-
6 latory environment, as determined by
7 the Administrator.

8 “(V) Whether a small refinery is
9 actively building infrastructure to
10 blend biofuels, as demonstrated by the
11 submission of a plan to the Adminis-
12 trator.”;

13 (iii) in clause (iii)—

14 (I) by striking “The Adminis-
15 trator” and inserting the following:

16 “(I) IN GENERAL.—The Admin-
17 istrator”; and

18 (II) by adding at the end the fol-
19 lowing:

20 “(II) FAILURE TO RESPOND.—If
21 the Administrator does not, during
22 the 90-day period described in sub-
23 clause (I), provide to the petitioner a
24 description of the legal basis pursuant
25 to which the Administrator has deter-

1 mined that the small refinery that is
2 the subject of the petition under
3 clause (i) does not qualify for an ex-
4 tension of an exemption under sub-
5 paragraph (A), the petition shall be
6 considered granted.”; and

7 (iv) by adding at the end the fol-
8 lowing:

9 “(iv) APPROVAL OF CERTAIN PETI-
10 TIONS.—Notwithstanding clause (ii) and
11 subject to clause (v), the Administrator
12 shall grant a petition submitted under
13 clause (i) by a small refinery for an exten-
14 sion of an exemption under subparagraph
15 (A) if the Secretary of Energy determines
16 that, with respect to the small refinery—

17 “(I) the disproportionate impacts
18 index, as described in the report of
19 the Office of Policy and International
20 Affairs of the Department of Energy
21 entitled ‘Small Refinery Exemption
22 Study: An Investigation into Dis-
23 proportionate Economic Hardship’
24 and dated March 2011, is greater
25 than or equal to 1; or

1 “(II) the viability index, as de-
2 scribed in the report described in sub-
3 clause (I), is greater than or equal to
4 1.

5 “(v) LIMITATION.—The Administrator
6 may not approve a petition submitted
7 under clause (i) by a small refinery under
8 the control of a holding company if such
9 approval would result in a total exempted
10 volume that—

11 “(I) taken together with any
12 other refinery under the control of the
13 holding company, exceeds 75,000 bar-
14 rels of oil produced per day or 50 per-
15 cent of the total amount of barrels of
16 oil produced per day by such refin-
17 eries, whichever is greater; or

18 “(II) exceeds the combined total
19 capacity for barrels of oil produced
20 per day by any small refinery under
21 such control.”; and

22 (B) in subparagraph (C)—

23 (i) by striking “If a small” and insert-
24 ing the following:

1 “(i) EFFECT OF WAIVER.—If a
2 small”; and

3 (ii) by adding at the end the fol-
4 lowing:

5 “(ii) EFFECT OF EXEMPTION.—If the
6 Administrator grants a petition for an ex-
7 tension of an exemption under subpara-
8 graph (A) submitted by a small refinery,
9 the Administrator may not reallocate the
10 renewable fuel obligation of that small re-
11 finery to other refineries.”.

12 (b) YEAR-ROUND SALE OF E15.—Section 211 of the
13 Clean Air Act (42 U.S.C. 7545) is further amended—

14 (1) in subsection (f), by adding at the end the
15 following:

16 “(6) The Reid vapor pressure limitation appli-
17 cable under this subsection to fuel blends containing
18 gasoline and a percent of denatured anhydrous eth-
19 anol that exceeds 10 percent and is not more than
20 15 percent shall be the same as any such limitation
21 applicable under this subsection to fuel blends con-
22 taining gasoline and 10 percent denatured anhy-
23 drous ethanol.”; and

24 (2) in subsection (h)—

1 (A) in paragraph (4), by striking “10 per-
2 cent” and inserting “10 to 15 percent”; and

3 (B) in paragraph (5)(A), by striking “10
4 percent” and inserting “10 to 15 percent”.

