

**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.—Notwithstanding clauses  
8 (iii) through (v) and the analyses required  
9 under subclauses (I) through (VI of clause  
10 (ii), for the purpose of making the deter-  
11 minations in clause (ii), the Administrator  
12 shall ensure that, for the first calendar  
13 year that begins after the date of enact-  
14 ment of this clause and for each calendar  
15 year thereafter, the applicable volume for  
16 renewable fuel that is not advanced biofuel  
17 does not exceed the projected annual do-  
18 mestic consumption of ethanol blended fuel

1           projected in the most recent Annual En-  
2           ergy Outlook report of the Energy Infor-  
3           mation Administration for the applicable  
4           year.”;

5           (2) in paragraph (5)—

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

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

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

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

1 (3) in paragraph (9)—

2 (A) in subparagraph (A), by adding at the  
3 end the following:

4 “(iii) APPLICABILITY TO CERTAIN  
5 SMALL REFINERIES.—

6 “(I) IN GENERAL.—A small re-  
7 finery described in subclause (III) is  
8 eligible to receive an exemption from  
9 compliance with the requirements of  
10 paragraph (2) with respect to a cal-  
11 endar year for the reason of dis-  
12 proportionate economic hardship.

13 “(II) TREATMENT.—The Admin-  
14 istrator shall deem any exemption  
15 under this clause as an extension of  
16 an exemption under subparagraph  
17 (A), and the requirements of subpara-  
18 graphs (B), (C), and (D) shall apply  
19 in the same manner and to the same  
20 extent with respect to such exemp-  
21 tions as to such extensions of exemp-  
22 tions.

23 “(III) SMALL REFINERIES DE-  
24 SCRIBED.—A small refinery described  
25 in this subclause is a small refinery—

1                   “(aa) for which the average  
2                   aggregate daily crude oil  
3                   throughput for a calendar year  
4                   (as determined by dividing the  
5                   aggregate throughput for the cal-  
6                   endar year by the number of  
7                   days in the calendar year) does  
8                   not exceed 10,000 barrels; and

9                   “(bb) that began production  
10                  on or after January 1, 2007.”;

11                  (B) in subparagraph (B)—

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

14                   (ii) in clause (ii), by inserting after  
15                   “and other economic factors.” “Beginning  
16                   on date that is 1 year after the date of en-  
17                   actment of the Farm, Food, and National  
18                   Security Act of 2026, such economic fac-  
19                   tors shall be the following:

20                   “(I) As applicable to small refin-  
21                   eries under the control of a holding  
22                   company, the cost of credits pur-  
23                   chased by such holding company to  
24                   demonstrate compliance with para-  
25                   graph (2) calendar year divided by the

1 revenue of such holding company over  
2 the calendar year.

3 “(II) Whether the costs to a  
4 small refinery of complying with the  
5 requirements of paragraph (2) would  
6 eliminate efficiency gains, as described  
7 in the study of the Department of En-  
8 ergy titled ‘Small Refinery Exemption  
9 Study An Investigation into Dis-  
10 proportionate Economic Hardship’  
11 and dated March 2011.

12 “(III) Whether the costs to a  
13 small refinery of complying with such  
14 requirements are likely to lead to the  
15 refinery ceasing to operate.

16 “(IV) Exceptional State regu-  
17 latory environment, as determined by  
18 the Administrator.

19 “(V) Whether a small refinery is  
20 actively building infrastructure to  
21 blend biofuels, as demonstrated by the  
22 submission of a plan to the Adminis-  
23 trator.”;

24 (iii) in clause (iii)—

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

3 “(I) IN GENERAL.—The Admin-  
4 istrator”; and

5 (II) by adding at the end the fol-  
6 lowing:

7 “(II) FAILURE TO RESPOND.—If  
8 the Administrator does not, during  
9 the 90-day period described in sub-  
10 clause (I), provide to the petitioner a  
11 description of the legal basis pursuant  
12 to which the Administrator has deter-  
13 mined that the small refinery that is  
14 the subject of the petition under  
15 clause (i) does not qualify for an ex-  
16 tension of an exemption under sub-  
17 paragraph (A), the petition shall be  
18 considered granted.”; and

19 (iv) by adding at the end the fol-  
20 lowing:

21 “(iv) APPROVAL OF CERTAIN PETI-  
22 TIONS.—Notwithstanding clause (ii) and  
23 subject to clause (v), the Administrator  
24 shall grant a petition submitted under  
25 clause (i) by a small refinery for an exten-

1 sion of an exemption under subparagraph  
2 (A) if the Secretary of Energy determines  
3 that, with respect to the small refinery—

4 “(I) the disproportionate impacts  
5 index, as described in the report of  
6 the Office of Policy and International  
7 Affairs of the Department of Energy  
8 entitled ‘Small Refinery Exemption  
9 Study: An Investigation into Dis-  
10 proportionate Economic Hardship’  
11 and dated March 2011, is greater  
12 than or equal to 1; or

13 “(II) the viability index, as de-  
14 scribed in the report described in sub-  
15 clause (I), is greater than or equal to  
16 1.

17 “(v) LIMITATION.—The Administrator  
18 may not approve a petition submitted  
19 under clause (i) by a small refinery under  
20 the control of a holding company if such  
21 approval would result in a total exempted  
22 volume that—

23 “(I) taken together with any  
24 other refinery under the control of the  
25 holding company, exceeds 75,000 bar-

1           rels of oil produced per day or 50 per-  
2           cent of the total amount of barrels of  
3           oil produced per day by such refin-  
4           eries, whichever is greater; or

5                   “(II) exceeds the combined total  
6           capacity for barrels of oil produced  
7           per day by any small refinery under  
8           such control.”; and

9           (C) in subparagraph (C)—

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

12                           “(i) EFFECT OF WAIVER.—If a  
13           small”; and

14                   (ii) by adding at the end the fol-  
15           lowing:

16                           “(ii) EFFECT OF EXEMPTION.—If the  
17           Administrator grants a petition for an ex-  
18           tension of an exemption under subpara-  
19           graph (A) submitted by a small refinery,  
20           the Administrator may not reallocate the  
21           renewable fuel obligation of that small re-  
22           finery to other refineries.”.

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

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

3           “(6) The Reid vapor pressure limitation applicable  
4           under this subsection to fuel blends containing gasoline  
5           and a percent of denatured anhydrous ethanol that ex-  
6           ceeds 10 percent and is not more than 15 percent shall  
7           be the same as any such limitation applicable under this  
8           subsection to fuel blends containing gasoline and 10 per-  
9           cent denatured anhydrous ethanol.”; and

10           (2) in subsection (h)—

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

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

