

AMENDMENT TO
RULES COMMITTEE PRINT 119-22
OFFERED BY M. _____

Add at the end of title IX the following:

1 **SEC. 9016. YEAR-ROUND E15 AND RFS REFORM.**

2 (a) ETHANOL WAIVER.—

3 (1) EXISTING WAIVERS.—Section 211(f)(4) of
4 the Clean Air Act (42 U.S.C. 7545(f)(4)) is amend-
5 ed—

6 (A) by striking “(4) The Administrator,
7 upon” and inserting the following:

8 “(4) WAIVERS.—

9 “(A) IN GENERAL.—The Administrator,
10 on”;

11 (B) in subparagraph (A) (as so des-
12 ignated)—

13 (i) in the first sentence—

14 (I) by striking “of this sub-
15 section” each place it appears; and

16 (II) by striking “if he deter-
17 mines” and inserting “if the Adminis-
18 trator determines”; and

1 (ii) in the second sentence, by striking
2 “The Administrator” and inserting the fol-
3 lowing:

4 “(B) FINAL ACTION.—The Adminis-
5 trator”; and

6 (C) by adding at the end the following:

7 “(C) REID VAPOR PRESSURE.—A fuel or
8 fuel additive may be introduced into commerce
9 if—

10 “(i)(I) the Administrator determines
11 that the fuel or fuel additive is substan-
12 tially similar to a fuel or fuel additive uti-
13 lized in the certification of any model year
14 vehicle pursuant to paragraph (1)(A); or

15 “(II) the fuel or fuel additive has been
16 granted a waiver under subparagraph (A)
17 and meets all of the conditions of that
18 waiver other than any limitation of the
19 waiver with respect to the Reid Vapor
20 Pressure of the fuel or fuel additive; and

21 “(ii) the fuel or fuel additive meets all
22 other applicable Reid Vapor Pressure re-
23 quirements under subsection (h).”.

1 (2) REID VAPOR PRESSURE LIMITATION.—Sec-
2 tion 211(h) of the Clean Air Act (42 U.S.C.
3 7545(h)) is amended—

4 (A) by striking “vapor pressure” each
5 place it appears and inserting “Vapor Pres-
6 sure”;

7 (B) in paragraph (4), in the matter pre-
8 ceding subparagraph (A), by striking “10 per-
9 cent” and inserting “10 to 15 percent”; and

10 (C) in paragraph (5)(A)—

11 (i) by striking “Upon notification, ac-
12 companied by” and inserting “On receipt
13 of a notification that is submitted after the
14 date of enactment of the Farm, Food, and
15 National Security Act of 2026, and is ac-
16 companied by appropriate”;

17 (ii) by striking “10 percent” and in-
18 serting “10 to 15 percent”; and

19 (iii) by adding at the end the fol-
20 lowing: “Upon the enactment of the Farm,
21 Food, and National Security Act of 2026,
22 any State for which the notification from
23 the Governor of a State was submitted
24 after January 1, 2022, and before the date
25 of enactment of the Farm, Food, and Na-

1 tional Security Act of 2026 and to which
2 the Administrator applied the Reid Vapor
3 Pressure limitation established by para-
4 graph (1) shall instead have the Reid
5 Vapor Pressure limitation established by
6 paragraph (4) apply to all fuel blends con-
7 taining gasoline and 10 to 15 percent de-
8 natured anhydrous ethanol that are sold,
9 offered for sale, dispensed, supplied, of-
10 ferred for supply, transported, or introduced
11 into commerce in the area during the high
12 ozone season.”.

13 (b) DEFINITION OF SMALL REFINING COMPANY.—
14 Section 211(o)(1) of the Clean Air Act (42 U.S.C.
15 7545(o)(1)) is amended—

16 (1) by redesignating subparagraph (L) as sub-
17 paragraph (M); and

18 (2) by inserting after subparagraph (K) the fol-
19 lowing:

20 “(L) SMALL REFINING COMPANY.—The
21 term ‘small refining company’ means a com-
22 pany, entity, or group of affiliated entities, in-
23 cluding through subsidiaries, parent companies,
24 joint ventures, holding companies, spin-offs, or
25 other associated corporate or legal structures,

1 the daily average aggregate production of obli-
2 gated fuels of which for calendar year 2025 did
3 not exceed 75,000 barrels per day across all of
4 the facilities of the company, entity, or group of
5 affiliated entities that produced transportation
6 fuel subject to the requirements of paragraph
7 (2).”.

8 (c) TERMINATION OF PETITIONS; ADJUSTED SMALL
9 REFINING COMPANY OBLIGATION.—

10 (1) IN GENERAL.—Section 211(o)(9) of the
11 Clean Air Act (42 U.S.C. 7545(o)(9)) is amended—

12 (A) in subparagraph (B)—

13 (i) in clause (i), by striking “A small”
14 and inserting “Subject to clause (iv), a
15 small”; and

16 (ii) by adding at the end the fol-
17 lowing:

18 “(iv) TERMINATION OF EXEMPTION
19 AND PETITIONS.—

20 “(I) IN GENERAL.—Beginning in
21 calendar year 2028, the Administrator
22 may not apply or enforce any exten-
23 sion of an exemption granted pursu-
24 ant to a petition under this subpara-
25 graph or otherwise continue to enforce

1 the exemption under subparagraph
2 (A) with respect to any small refinery.

3 “(II) LIMITATION ON PETI-
4 TIONS.—Notwithstanding any other
5 provision of law—

6 “(aa) no small refinery may
7 petition for an extension under
8 this subparagraph with respect to
9 any calendar year after calendar
10 year 2027;

11 “(bb) the Administrator may
12 not consider any petition for an
13 extension under this subpara-
14 graph, with respect to any cal-
15 endar year, that is submitted
16 after July 1, 2028; and

17 “(cc) to the maximum ex-
18 tent practicable, the Adminis-
19 trator shall, not later than Octo-
20 ber 1, 2028, act on all out-
21 standing petitions.”;

22 (B) by redesignating subparagraphs (C)
23 and (D) as subparagraphs (D) and (E), respec-
24 tively; and

1 (C) by inserting after subparagraph (B)
2 the following:

3 “(C) ADJUSTED COMPLIANCE REQUIRE-
4 MENTS FOR SMALL REFINING COMPANIES.—

5 “(i) IN GENERAL.—Beginning in cal-
6 endar year 2028, the Administrator shall,
7 subject to clause (ii), reduce the compli-
8 ance requirements of each small refining
9 company under paragraph (2) by 75 per-
10 cent.

11 “(ii) NO SUBSEQUENT REDESIGNA-
12 TION.—If the average aggregate daily pro-
13 duction of obligated fuels of a small refin-
14 ing company exceeds the limit described in
15 paragraph (1)(L) in calendar year 2026 or
16 any subsequent calendar year, the small
17 refining company shall no longer be eligible
18 for the adjusted compliance requirements
19 under clause (i) during that calendar year
20 or any subsequent calendar year, regard-
21 less of whether the average aggregate daily
22 production of obligated fuels of the small
23 refining company drops below that limit
24 again.”.

1 (2) SAVINGS PROVISION.—Nothing in this Act
2 or an amendment made by this Act affects any rem-
3 edy available to a small refinery (as defined in para-
4 graph (1) of section 211(o) of the Clean Air Act (42
5 U.S.C. 7545(o))) with respect to petitions for exten-
6 sions of exemptions under paragraph (9) of that sec-
7 tion and, for purposes of the application of such ex-
8 tensions and the review of the denial of such peti-
9 tions, section 211(o)(9) of the Clean Air Act (42
10 U.S.C. 7545(o)(9)) shall be applied as in effect on
11 the day before the date of enactment of this Act.

12 (d) GENERATION OF CREDITS BY SMALL REFIN-
13 ERIES UNDER THE RENEWABLE FUEL PROGRAM.—Sec-
14 tion 211(o)(9) of the Clean Air Act (42 U.S.C.
15 7545(o)(9)) is further amended by adding at the end the
16 following:

17 “(F) CREDITS GENERATED FOR 2016–2018
18 COMPLIANCE YEARS.—

19 “(i) RULE.—For any small refinery
20 described in clause (ii) or (iii), the credits
21 described in the respective clause shall
22 be—

23 “(I) returned to the small refin-
24 ery and, notwithstanding paragraph

1 (5)(C), deemed eligible for future
2 compliance years; or

3 “(II) applied as a credit in the
4 EPA Moderated Transaction System
5 (EMTS) account of the small refinery.

6 “(ii) COMPLIANCE YEARS 2016 AND
7 2017.—Clause (i) applies with respect to
8 any small refinery that—

9 “(I) retired credits generated for
10 compliance years 2016 or 2017; and

11 “(II) submitted a petition under
12 subparagraph (B)(i) for that compli-
13 ance year that remained outstanding
14 as of December 1, 2022.

15 “(iii) COMPLIANCE YEAR 2018.—In
16 addition to small refineries described in
17 clause (ii), clause (i) applies with respect
18 to any small refinery—

19 “(I) that submitted a petition
20 under subparagraph (B)(i) for compli-
21 ance year 2018 by September 1,
22 2019;

23 “(II) that retired credits gen-
24 erated for compliance year 2018 as
25 part of the compliance demonstration

1 of the small refinery for compliance
2 year 2018 by March 31, 2019; and

3 “(III) for which—

4 “(aa) the petition remained
5 outstanding as of December 1,
6 2022; or

7 “(bb) the Administrator de-
8 nied the petition as of July 1,
9 2022, and has not returned the
10 retired credits as of December 1,
11 2022.”.

12 (e) PROHIBITION ON REALLOCATION OF OBLIGATED
13 VOLUMES.—Section 211(o)(9) of the Clean Air Act (42
14 U.S.C. 7545(o)(9)) is further amended by adding at the
15 end the following:

16 “(G) PROHIBITION ON REALLOCATION.—
17 For the purpose of making the determinations
18 in paragraph (2)(B)(ii), for calendar year 2028
19 and each calendar year thereafter, the Adminis-
20 trator may not reallocate to other persons any
21 renewable fuel obligation applicable to a small
22 refining company the compliance requirements
23 of which were reduced pursuant to subpara-
24 graph (C).”.

25 (f) FUEL INFRASTRUCTURE RULEMAKING.—

1 (1) IN GENERAL.—Not later than 18 months
2 after the date of enactment of this Act, the Adminis-
3 trator of the Environmental Protection Agency shall,
4 after a period of notice and public comment, finalize
5 a rule modifying the regulations of the Environ-
6 mental Protection Agency under the Clean Air Act
7 (42 U.S.C. 7401 et seq.) and the Solid Waste Dis-
8 posal Act (42 U.S.C. 6901 et seq.) (commonly
9 known as the “Resource Conservation and Recovery
10 Act of 1976”) relating to the sale and distribution
11 of gasoline-ethanol blends that contain greater than
12 10 volume percent ethanol and less than or equal to
13 15 volume percent ethanol.

14 (2) REQUIREMENT.—In finalizing the rule re-
15 quired under paragraph (1), the Administrator of
16 the Environmental Protection Agency shall modify
17 the E15 fuel dispenser labeling requirements and the
18 underground storage tank regulations of the Envi-
19 ronmental Protection Agency with respect to com-
20 patibility with gasoline-ethanol blends.

21 (g) EXEMPTION FOR AT-RISK QUALIFYING SMALL
22 REFINERIES.—Section 211(o)(9) of the Clean Air Act (42
23 U.S.C. 7545(o)(9)) is further amended by adding at the
24 end the following:

1 “(H) EXEMPTION FOR AT-RISK QUALI-
2 FYING SMALL REFINERIES.—

3 “(i) IN GENERAL.—Beginning in cal-
4 endar year 2028, not later than December
5 31 of a calendar year, a qualifying small
6 refinery may petition the Administrator for
7 an exemption from compliance with the re-
8 quirements of paragraph (2) for such cal-
9 endar year for the reason of the imminent
10 risk of closure, permanent idling, or con-
11 version to a renewable fuel production fa-
12 cility.

13 “(ii) MATTERS INCLUDED IN PETI-
14 TIONS.—In submitting a petition for an ex-
15 emption under clause (i), a qualifying
16 small refinery shall include in such petition
17 the following:

18 “(I) Information demonstrating
19 that—

20 “(aa) the qualifying small
21 refinery is at imminent risk of
22 closure, permanent idling, or con-
23 version to a renewable fuel pro-
24 duction facility;

1 “(bb) such risk is solely
2 caused by the cost of compliance
3 with the requirements of para-
4 graph (2); and

5 “(cc) the ownership of the
6 qualifying small refinery has not
7 changed after the date of enact-
8 ment of this paragraph.

9 “(II) An attestation, executed by
10 a senior corporate officer (or any
11 equivalent position) with direct re-
12 sponsibility for the applicable oper-
13 ations of the qualifying small refinery,
14 certifying that the information in-
15 eluded under subclause (I) is correct.

16 “(iii) PUBLIC DISCLOSURE.—Any pe-
17 tition submitted under this subparagraph,
18 including any information, attestation, or
19 other supporting documentation included
20 in such a petition—

21 “(I) shall not be eligible for
22 treatment as confidential business in-
23 formation for purposes of section
24 114(c) or any other provision of law;
25 and

1 “(II) shall be made publicly
2 available by the Administrator not
3 later than 30 days after the date of
4 such submission.

5 “(iv) DEADLINE FOR ACTION ON PE-
6 TITIONS.—The Administrator shall act on
7 any petition submitted by a qualifying
8 small refinery for an exemption under this
9 subparagraph not later than 90 days after
10 the date of receipt of the petition.

11 “(v) ADMINISTRATOR DETERMINA-
12 TION.—The Administrator may grant an
13 exemption under this subparagraph only
14 upon a determination by the Administrator
15 that the petition submitted for the exemp-
16 tion adequately demonstrates the matters
17 specified in items (aa) through (cc) of
18 clause (ii)(I) and includes the attestation
19 described in clause (ii)(II).

20 “(vi) SCOPE AND DURATION.—An ex-
21 emption granted for a qualifying small re-
22 finery under this subparagraph—

23 “(I) may exempt the qualifying
24 small refinery from compliance with

1 the requirements of paragraph (2) in
2 whole or in part;

3 “(II) may only exempt the quali-
4 fying small refinery from compliance
5 with the requirements of paragraph
6 (2) to the extent necessary to prevent
7 the closure, permanent idling, or con-
8 version described in clause (i); and

9 “(III) shall only apply with re-
10 spect to the calendar year for which
11 the petition for the exemption is sub-
12 mitted.

13 “(vii) EXEMPTED VOLUMES.—

14 “(I) IN GENERAL.—In acting on
15 petitions submitted by qualifying
16 small refineries for exemptions under
17 this subparagraph, the Administrator
18 may not exempt, in total, renewable
19 fuel obligations for qualifying small
20 refineries such that the total volume
21 of renewable fuel so exempted exceeds
22 the relevant volume cap for the appli-
23 cable calendar year described in sub-
24 clause (II).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

“(II) VOLUME CAP.—The volume cap described in this subclause is—

“(aa) for calendar year 2028, the volume of all renewable fuel, including advanced biofuel, cellulosic biofuel, biomass-based diesel, and conventional biofuel, that the Administrator determines has, in total, an energy content equal to the energy content of 150 million gallons of conventional biofuel; and

“(bb) for each calendar year after calendar year 2028, the volume of renewable fuel determined under item (aa), as adjusted by the Administrator in direct proportion to any changes to the applicable volume of renewable fuel established for the calendar year under paragraph (2)(B)(ii) as compared to the applicable volume of renewable fuel established for calendar year 2028.

1 “(viii) QUALIFYING SMALL REFINERY
2 DEFINED.—In this subparagraph, the term
3 ‘qualifying small refinery’ means a small
4 refinery—

5 “(I) that received an extension of
6 an exemption under paragraph (9); or

7 “(II)(aa) for which the average
8 aggregate daily crude oil throughput
9 for a calendar year (as determined by
10 dividing the aggregate throughput for
11 the calendar year by the number of
12 days in the calendar year) does not
13 exceed 10,000 barrels; and

14 “(bb) that began production on
15 or after January 1, 2007, and before
16 January 1, 2026.”.

