

**AMENDMENT TO H.R. 1346**  
**OFFERED BY MR. SMITH OF NEBRASKA**

Strike sections 1 and 2 and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Nationwide Consumer  
3 and Fuel Retailer Choice Act of 2026”.

**4 SEC. 2. ETHANOL WAIVER.**

5 (a) EXISTING WAIVERS.—Section 211(f)(4) of the  
6 Clean Air Act (42 U.S.C. 7545(f)(4)) is amended—

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

9 “(4) WAIVERS.—

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

12 (2) in subparagraph (A) (as so designated)—

13 (A) in the first sentence—

14 (i) by striking “of this subsection”  
15 each place it appears; and

16 (ii) by striking “if he determines” and  
17 inserting “if the Administrator deter-  
18 mines”; and

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

6 (3) 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—

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

4           (1) by striking “vapor pressure” each place it  
5 appears and inserting “Vapor Pressure”;

6           (2) in paragraph (4), in the matter preceding  
7 subparagraph (A), by striking “10 percent” and in-  
8 serting “10 to 15 percent”; and

9           (3) in paragraph (5)(A)—

10           (A) by striking “Upon notification, accom-  
11 panied by” and inserting “On receipt of a noti-  
12 fication that is submitted after the date of en-  
13 actment of the Nationwide Consumer and Fuel  
14 Retailer Choice Act of 2026, and is accom-  
15 panied by appropriate”;

16           (B) by striking “10 percent” and inserting  
17 “10 to 15 percent”; and

18           (C) by adding at the end the following:  
19           “Upon the enactment of the Nationwide Con-  
20 sumer and Fuel Retailer Choice Act of 2026,  
21 any State for which the notification from the  
22 Governor of a State was submitted before the  
23 date of enactment of the Nationwide Consumer  
24 and Fuel Retailer Choice Act of 2026 and to  
25 which the Administrator applied the Reid Vapor

1           Pressure limitation established by paragraph  
2           (1) shall instead have the Reid Vapor Pressure  
3           limitation established by paragraph (4) apply to  
4           all fuel blends containing gasoline and 10 to 15  
5           percent denatured anhydrous ethanol that are  
6           sold, offered for sale, dispensed, supplied, of-  
7           fered for supply, transported, or introduced into  
8           commerce in the area during the high ozone  
9           season.”.

10 **SEC. 3. DEFINITION OF SMALL REFINING COMPANY.**

11           Section 211(o)(1) of the Clean Air Act (42 U.S.C.  
12 7545(o)(1)) is amended—

13           (1) by redesignating subparagraph (L) as sub-  
14           paragraph (M); and

15           (2) by inserting after subparagraph (K) the fol-  
16           lowing:

17               “(L) SMALL REFINING COMPANY.—The  
18               term ‘small refining company’ means a com-  
19               pany, entity, or group of affiliated entities, in-  
20               cluding through subsidiaries, parent companies,  
21               joint ventures, holding companies, spin-offs, or  
22               other associated corporate or legal structures,  
23               the daily average aggregate production of obli-  
24               gated fuels of which for calendar year 2025 did  
25               not exceed 75,000 barrels per day across all of

1           the facilities of the company, entity, or group of  
2           affiliated entities that produced transportation  
3           fuel subject to the requirements of paragraph  
4           (2).”.

5 **SEC. 4. TERMINATION OF PETITIONS; ADJUSTED SMALL  
6           REFINING COMPANY OBLIGATION.**

7           (a) **IN GENERAL.**—Section 211(o)(9) of the Clean  
8 Air Act (42 U.S.C. 7545(o)(9)) is amended—

9               (1) in subparagraph (B)—  
10               (A) in clause (i), by striking “A small” and  
11               inserting “Subject to clause (iv), a small”; and  
12               (B) by adding at the end the following:

13                       “(iv) TERMINATION OF EXEMPTION  
14 AND PETITIONS.—

15                       “(I) **IN GENERAL.**—Beginning in  
16               calendar year 2028, the Administrator  
17               may not apply or enforce any exten-  
18               sion of an exemption granted pursu-  
19               ant to a petition under this subpara-  
20               graph or otherwise continue to enforce  
21               the exemption under subparagraph  
22               (A) with respect to any small refinery.

23                       “(II) **LIMITATION ON PETI-  
24 TIONS.**—Notwithstanding any other  
25               provision of law—

1                             “(aa) no small refinery may  
2                             petition for an extension under  
3                             this subparagraph with respect to  
4                             any calendar year after calendar  
5                             year 2027;

6                             “(bb) the Administrator may  
7                             not consider any petition for an  
8                             extension under this subparagraph,  
9                             with respect to any calendar  
10                             year, that is submitted  
11                             after July 1, 2028; and

12                             “(cc) to the maximum ex-  
13                             tent practicable, the Adminis-  
14                             trator shall, not later than Octo-  
15                             ber 1, 2028, act on all out-  
16                             standing petitions.”;

17                             (2) by redesignating subparagraphs (C) and  
18                             (D) as subparagraphs (D) and (E), respectively; and  
19                             (3) by inserting after subparagraph (B) the fol-  
20                             lowing:

21                             “(C) ADJUSTED COMPLIANCE REQUIRE-  
22                             MENTS FOR SMALL REFINING COMPANIES.—

23                             “(i) IN GENERAL.—Beginning in cal-  
24                             endar year 2028, the Administrator shall,  
25                             subject to clause (ii), reduce the compli-

19 (b) SAVINGS PROVISION.—Nothing in this Act or an  
20 amendment made by this Act affects any remedy available  
21 to a small refinery (as defined in paragraph (1) of section  
22 211(o) of the Clean Air Act (42 U.S.C. 7545(o))) with  
23 respect to petitions for extensions of exemptions under  
24 paragraph (9) of that section and, for purposes of the ap-  
25 plication of such extensions and the review of the denial

1 of such petitions, section 211(o)(9) of the Clean Air Act  
2 (42 U.S.C. 7545(o)(9)) shall be applied as in effect on  
3 the day before the date of enactment of this Act.

4 **SEC. 5. GENERATION OF CREDITS BY SMALL REFINERIES**

5 **UNDER THE RENEWABLE FUEL PROGRAM.**

6 Section 211(o)(9) of the Clean Air Act (42 U.S.C.  
7 7545(o)(9)) (as amended by section 4(2)) is amended by  
8 adding at the end the following:

9 “(F) CREDITS GENERATED FOR 2016–2018

10 COMPLIANCE YEARS.—

11 “(i) RULE.—For any small refinery  
12 described in clause (ii) or (iii), the credits  
13 described in the respective clause shall  
14 be—

15 “(I) returned to the small refinery  
16 and, notwithstanding paragraph  
17 (5)(C), deemed eligible for future  
18 compliance years; or

19 “(II) applied as a credit in the  
20 EPA Moderated Transaction System  
21 (EMTS) account of the small refinery.

22 “(ii) COMPLIANCE YEARS 2016 AND  
23 2017.—Clause (i) applies with respect to  
24 any small refinery that—

1                         “(I) retired credits generated for  
2                         compliance years 2016 or 2017; and

3                         “(II) submitted a petition under  
4                         subparagraph (B)(i) for that compli-  
5                         ance year that remained outstanding  
6                         as of December 1, 2022.

7                         “(iii) COMPLIANCE YEAR 2018.—In  
8                         addition to small refineries described in  
9                         clause (ii), clause (i) applies with respect  
10                         to any small refinery—

11                         “(I) that submitted a petition  
12                         under subparagraph (B)(i) for compli-  
13                         ance year 2018 by September 1,  
14                         2019;

15                         “(II) that retired credits gen-  
16                         erated for compliance year 2018 as  
17                         part of the compliance demonstration  
18                         of the small refinery for compliance  
19                         year 2018 by March 31, 2019; and

20                         “(III) for which—

21                         “(aa) the petition remained  
22                         outstanding as of December 1,  
23                         2022; or

24                         “(bb) the Administrator de-  
25                          nied the petition as of July 1,

4 SEC. 6. PROHIBITION ON REALLOCATION OF OBLIGATED  
5 VOLUMES.

6       Section 211(o)(9) of the Clean Air Act (42 U.S.C.  
7 7545(o)(9)) (as amended by section 5) is amended by add-  
8       ing at the end the following:

## 18 SEC. 7. FUEL INFRASTRUCTURE RULEMAKING.

19 (a) IN GENERAL.—Not later than 18 months after  
20 the date of enactment of this Act, the Administrator of  
21 the Environmental Protection Agency shall, after a period  
22 of notice and public comment, finalize a rule modifying  
23 the regulations of the Environmental Protection Agency  
24 under the Clean Air Act (42 U.S.C. 7401 et seq.) and  
25 the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)

1 (commonly known as the “Resource Conservation and Re-  
2 covery Act of 1976”) relating to the sale and distribution  
3 of gasoline-ethanol blends that contain greater than 10  
4 volume percent ethanol and less than or equal to 15 vol-  
5 ume percent ethanol.

6 (b) REQUIREMENT.—In finalizing the rule required  
7 under subsection (a), the Administrator of the Environ-  
8 mental Protection Agency shall modify the E15 fuel dis-  
9 penser labeling requirements and the underground storage  
10 tank regulations of the Environmental Protection Agency  
11 with respect to compatibility with gasoline-ethanol blends.

