

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:

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

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—

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 (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 subpara-
9 graph, with respect to any cal-
10 endar 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-

1 ance requirements of each small refining
2 company under paragraph (2) by 75 per-
3 cent.

4 “(ii) NO SUBSEQUENT REDESIGNA-
5 TION.—If the daily average aggregate pro-
6 duction of obligated fuels of a small refin-
7 ing company exceeds the limit described in
8 paragraph (1)(L) in calendar year 2026 or
9 any subsequent calendar year, regardless
10 of any sale, spinoff, or other divestiture or
11 reorganization, the small refining company
12 shall no longer be eligible for the adjusted
13 compliance requirements under clause (i)
14 during that calendar year or any subse-
15 quent calendar year, regardless of whether
16 the daily average aggregate production of
17 obligated fuels of the small refining com-
18 pany drops below that limit again.”.

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 refin-
16 ery 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,

1 2022, and has not returned the
2 retired credits as of December 1,
3 2022.”.

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:

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

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.

