

119TH CONGRESS
2D SESSION

H. R. 9618

To amend the Clean Air Act to preserve regulatory stability for motor vehicles, motor vehicle engines, nonroad vehicles, and nonroad engines, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2026

Mrs. FEDORCHAK (for herself, Mr. DAVIS of North Carolina, Mr. FINSTAD, Mr. BERGMAN, and Mrs. FISCHBACH) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act to preserve regulatory stability for motor vehicles, motor vehicle engines, nonroad vehicles, and nonroad engines, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Diesel Engine Flexi-
5 bility Act” or the “DEF Act”.

6 **SEC. 2. PRESERVATION OF ON-ROAD VEHICLE AND ENGINE**
7 **REGULATORY STABILITY.**

8 Section 202 of the Clean Air Act (42 U.S.C. 7521)
9 is amended by adding at the end the following:

1 “(n) PRESERVATION OF MOTOR VEHICLE AND EN-
2 GINE REGULATORY STABILITY.—

3 “(1) GUIDANCE-BASED SAFE HARBOR.—During
4 the period of 10 years beginning on the date of en-
5 actment of this subsection, implementation of an in-
6 ducement strategy or diesel exhaust fluid quality
7 monitoring described in the covered guidance docu-
8 ments with respect to new and in-use motor vehicles
9 and engines, including heavy-duty engines, heavy-
10 duty vehicles, light-duty vehicles, light-duty trucks,
11 and light-duty engines, shall not constitute a prohib-
12 ited act under this title if the implementation is un-
13 dertaken in a manner consistent with the covered
14 guidance documents, to the extent such covered
15 guidance documents apply to such a motor vehicle or
16 engine that is required to comply with the 2007
17 standards or the 2010 standards, provided that such
18 implementation is consistent with otherwise applica-
19 ble certification requirements and useful life require-
20 ments under this title.

21 “(2) REGULATORY STABILITY.—

22 “(A) TEMPORARY REGULATORY STA-
23 BILITY.—During the period of 10 years de-
24 scribed in paragraph (1), the Administrator
25 may not promulgate, revise, authorize, or imple-

1 ment under this section or section 209(b) any
2 regulation containing any standard or other re-
3 quirement applicable to new or in-use motor ve-
4 hicles or engines, including heavy-duty engines,
5 heavy-duty vehicles, light-duty vehicles, light-
6 duty trucks, and light-duty engines, that is
7 more stringent than the 2007 standards and
8 the 2010 standards, except that nothing in this
9 paragraph shall prohibit the Administrator
10 from—

11 “(i) approving software updates, re-
12 pair strategies, diagnostic improvements,
13 or monitoring approaches consistent with
14 the covered guidance documents;

15 “(ii) enforcing prohibitions against de-
16 feat devices, defeat strategies, circumven-
17 tion, fraud, tampering, or operations out-
18 side the conditions applicable to certified
19 configurations under this title;

20 “(iii) implementing any recall, defect
21 reporting, certification, warranty, or other
22 administrative requirements that do not
23 impose more stringent emission standards
24 or materially increase compliance obliga-
25 tions applicable to such motor vehicles or

engines that are required to comply with
the 2007 standards or the 2010 standards;
or

“(iv) approving a voluntary manufacturer action that maintains compliance with otherwise applicable certification requirements and useful life requirements promulgated under this title.

“(B) LEAD TIME.—After the expiration of the period described in paragraph (1), any standard or other requirement promulgated, revised, or authorized under this section or section 209(b) applicable to new or in-use motor vehicles or engines, including heavy-duty engines, heavy-duty vehicles, light-duty vehicles, light-duty trucks, and light-duty engines, that revises or succeeds the 2007 standards or the 2010 standards shall—

“(i) apply for a period of no less than 3 model years; and

“(ii) take effect no earlier than the model year commencing 5 years after such new or revised standard or other requirement is promulgated, revised, or authorized.

1 “(C) REQUIRED CONSIDERATIONS.—After
2 the expiration of the period described in para-
3 graph (1), in promulgating, revising, or author-
4 izing a standard or other requirement under
5 this section or section 209(b) applicable to new
6 or in-use motor vehicles or engines, including
7 heavy-duty engines, heavy-duty vehicles, light-
8 duty vehicles, light-duty trucks, and light-duty
9 engines, that revises or succeeds the 2007
10 standards or the 2010 standards, the Adminis-
11 trator shall consider—

12 “(i) the need to reduce unnecessary
13 operational disruption, derates, shutdowns,
14 and related operating restrictions for own-
15 ers and operators of such motor vehicles
16 and engines;

17 “(ii) the need to preserve operating
18 conditions and engine configurations cer-
19 tified to comply with the 2007 standards
20 or the 2010 standards that protect the du-
21 rability of such motor vehicles and engines,
22 selective catalytic reduction systems, diesel
23 particulate filter systems, and related
24 aftertreatment components;

1 “(iii) the effects of the proposed
2 standard or other requirement on resale
3 value, financing expectations, dealer inven-
4 tories, and equipment availability across
5 such motor vehicles and engines that are
6 already in service or are available for sale;

7 “(iv) the costs of the proposed stand-
8 ard or other requirement to owners and
9 operators of such motor vehicles and en-
10 gines, including downtime, repair, service,
11 logistics, and equipment replacement costs;

12 “(v) the need for nationally consistent
13 requirements for such motor vehicles and
14 engines; and

15 “(vi) the effects of the proposed
16 standard or other requirement on harmoni-
17 zation across such motor vehicle and en-
18 gine categories and engine families, equip-
19 ment models, and shared engine or
20 aftertreatment designs used across on-road
21 categories.

22 “(3) RULE OF CONSTRUCTION.—Nothing in
23 this subsection shall be construed to—

24 “(A) authorize permanent disablement of
25 an emissions control system;

“(B) exempt any new or in-use motor vehicle or engine, including a heavy-duty engine, a heavy-duty vehicle, a light-duty vehicle, a light-duty truck, and a light-duty engine, from otherwise applicable emission standards promulgated under this title; or

“(C) prohibit the Administrator from approving software updates, repair strategies, diagnostic improvements, or monitoring approaches implemented consistent with otherwise applicable certification requirements and useful life requirements under this title.

“(4) DEFINITIONS.—In this subsection:

“(A) 2007 STANDARDS.—The term ‘2007 standards’ means the standards and associated certification and compliance requirements under section 86.007–11 of title 40, Code of Federal Regulations, as in effect on January 1, 2025.

“(B) 2010 STANDARDS.—The term ‘2010 standards’ means the standards and associated certification and compliance requirements under section 86.010–18 of title 40, Code of Federal Regulations, as in effect on January 1, 2025.

1 “(C) COVERED GUIDANCE DOCUMENTS.—

2 The term ‘covered guidance documents’
3 means—

4 “(i) the guidance entitled ‘Revised
5 Guidance for Light Duty Vehicles, Heavy-
6 Duty Diesel Engines and Nonroad Com-
7 pression-Ignition (CI) Engines Using Se-
8 lective Catalytic Reduction (SCR) Tech-
9 nologies’, issued on August 11, 2025, and
10 designated as IACD–2025–10; and

11 “(ii) the guidance entitled ‘DEF
12 Quality Monitoring Using Alternate Sensor
13 Technologies’, issued on March 26, 2026,
14 and designated as IACD–2026–05.”.

15 **SEC. 3. PRESERVATION OF NONROAD VEHICLES AND**
16 **NONROAD ENGINES REGULATORY STABILITY.**

17 Section 213 of the Clean Air Act (42 U.S.C. 7547)
18 is amended by adding at the end the following:

19 “(e) NONROAD VEHICLE AND NONROAD ENGINE
20 REGULATORY STABILITY.—

21 “(1) GUIDANCE-BASED SAFE HARBOR.—During
22 the period of 10 years beginning on the date of en-
23 actment of this subsection, implementation of an in-
24 ducement strategy, repair-related override, or diesel
25 exhaust fluid quality monitoring described in the

1 covered guidance documents with respect to a
2 nonroad vehicle or nonroad engine, including a
3 nonroad compression-ignition engine and equipment
4 that uses such an engine, shall not constitute a pro-
5 hibited act under this title if the implementation is
6 undertaken in a manner consistent with the covered
7 guidance documents, to the extent such covered
8 guidance documents apply to such a nonroad vehicle
9 or nonroad engine that is required to comply with
10 the Tier 4 standards, provided that such implemen-
11 tation is consistent with otherwise applicable certifi-
12 cation requirements and useful life requirements
13 under this title.

14 “(2) REGULATORY STABILITY.—

15 “(A) TEMPORARY REGULATORY STA-
16 BILITY.—During the period of 10 years de-
17 scribed in paragraph (1), the Administrator
18 may not promulgate, revise, authorize, or imple-
19 ment under this section or section 209(e)(2)
20 any regulation containing any standard or other
21 requirement applicable to nonroad vehicles or
22 nonroad engines, including nonroad compres-
23 sion-ignition engines and equipment containing
24 such engines, that is more stringent than the
25 Tier 4 standards, except that nothing in this

1 paragraph shall prohibit the Administrator
2 from—

3 “(i) approving software updates, re-
4 pair strategies, diagnostic improvements,
5 or monitoring approaches consistent with
6 the covered guidance documents;

7 “(ii) enforcing prohibitions against de-
8 feat devices, defeat strategies, circumven-
9 tion, fraud, tampering, or operations out-
10 side the conditions applicable to certified
11 configurations under this title;

12 “(iii) implementing any recall, defect
13 reporting, certification, warranty, or other
14 administrative requirements that do not
15 impose more stringent emission standards
16 or materially increase compliance obliga-
17 tions applicable to such nonroad vehicles or
18 nonroad engines that are required to com-
19 ply with the Tier 4 standards; or

20 “(iv) approving a voluntary manufac-
21 turer action that maintains compliance
22 with otherwise applicable certification re-
23 quirements and useful life requirements
24 promulgated under this title.

1 “(B) LEAD TIME.—After the expiration of
2 the period described in paragraph (1), any
3 standard or other requirement promulgated, re-
4 vised, or authorized under this section or sec-
5 tion 209(e)(2) applicable to nonroad vehicles or
6 nonroad engines, including nonroad compres-
7 sion-ignition engines and equipment containing
8 such engines, that revises or succeeds the Tier
9 4 standards shall—

10 “(i) apply for a period of no less than
11 3 model years; and

12 “(ii) take effect no earlier than the
13 model year commencing 5 years after such
14 new or revised standard or other require-
15 ment is promulgated, revised, or author-
16 ized.

17 “(C) REQUIRED CONSIDERATIONS.—After
18 the expiration of the period described in para-
19 graph (1), in promulgating, revising, or author-
20 izing a standard or other requirement under
21 this section or section 209(e)(2) applicable to
22 nonroad vehicles or nonroad engines, including
23 nonroad compression-ignition engines and
24 equipment containing such engines, that revises

1 or succeeds the Tier 4 standards, the Adminis-
2 trator shall consider—

3 “(i) the need to reduce unnecessary
4 operational disruption, derates, shutdowns,
5 and related operating restrictions for own-
6 ers and operators of such nonroad vehicles
7 or nonroad engines;

8 “(ii) the need to preserve operating
9 conditions and engine configurations cer-
10 tified to comply with the Tier 4 standards
11 that protect the durability of such nonroad
12 vehicles and nonroad engines, selective
13 catalytic reduction systems, diesel particu-
14 late filter systems, and related
15 aftertreatment components;

16 “(iii) the effects of the proposed
17 standard or other requirement on resale
18 value, financing expectations, dealer inven-
19 tories, and equipment availability across
20 such nonroad vehicles or nonroad engines
21 that are already in service or are available
22 for sale;

23 “(iv) the costs of the proposed stand-
24 ard or other requirement to owners and
25 operators of such nonroad vehicles or

1 nonroad engines, including downtime, re-
2 pair, service, logistics, and equipment re-
3 placement costs;

4 “(v) the need for nationally consistent
5 requirements for such nonroad vehicles and
6 nonroad engines; and

7 “(vi) the effects of the proposed
8 standard or other requirement on harmoni-
9 zation across such nonroad vehicle and
10 nonroad engine categories and engine fami-
11 lies, equipment models, and shared engine
12 or aftertreatment designs used across
13 nonroad categories.

14 “(3) RULE OF CONSTRUCTION.—Nothing in
15 this subsection shall be construed to—

16 “(A) authorize permanent disablement of
17 an emissions control system;

18 “(B) exempt any nonroad vehicle or
19 nonroad engine, including a nonroad compres-
20 sion-ignition engine and equipment containing
21 such an engine, from otherwise applicable emis-
22 sion standards promulgated under this title; or

23 “(C) prohibit the Administrator from ap-
24 proving software updates, repair strategies, di-
25 agnostic improvements, or monitoring ap-

1 proaches implemented consistent with otherwise
2 applicable certification requirements and useful
3 life requirements under this title.

4 “(4) DEFINITIONS.—In this subsection:

5 “(A) COVERED GUIDANCE DOCUMENTS.—

6 The term ‘covered guidance documents’
7 means—

8 “(i) the guidance entitled ‘Revised
9 Guidance for Light Duty Vehicles, Heavy-
10 Duty Diesel Engines and Nonroad Com-
11 pression-Ignition (CI) Engines Using Se-
12 lective Catalytic Reduction (SCR) Tech-
13 nologies’, issued on August 11, 2025, and
14 designated as IACD–2025–10;

15 “(ii) the guidance entitled ‘Clarifica-
16 tion Regarding the Practice of Temporarily
17 Disabling Aspects of an Emission Control
18 System or Components to Repair or Main-
19 tain a Nonroad Engine’, issued January
20 30, 2026, and designated IACD–2026–01;
21 and

22 “(iii) the guidance entitled ‘DEF
23 Quality Monitoring Using Alternate Sensor
24 Technologies’, issued on March 26, 2026,
25 and designated as IACD–2026–05.

1 “(B) TIER 4 STANDARDS.—The term ‘Tier
2 4 standards’ means the standards and associ-
3 ated certification and compliance requirements
4 under parts 1039 and 1068 of title 40, Code of
5 Federal Regulations, as in effect on January 1,
6 2025.’”.

