

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY MRS. FEDORCHAK OF NORTH
DAKOTA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. PRESERVATION OF ON-ROAD VEHICLE AND ENGINE
5 REGULATORY STABILITY.

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

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

10 “(1) GUIDANCE-BASED SAFE HARBOR.—During
11 the period of 10 years beginning on the date of en-
12 actment of this subsection, implementation of an in-
13 ducement strategy or diesel exhaust fluid quality
14 monitoring described in the covered guidance docu-
15 ments with respect to new and in-use motor vehicles
16 and engines, including heavy-duty engines, heavy-
17 duty vehicles, light-duty vehicles, light-duty trucks,

1 and light-duty engines, shall not constitute a prohib-
2 ited act under this title if the implementation is un-
3 dertaken in a manner consistent with the covered
4 guidance documents, to the extent such covered
5 guidance documents apply to such a motor vehicle or
6 engine that is required to comply with the 2007
7 standards or the 2010 standards, provided that such
8 implementation is consistent with otherwise applica-
9 ble certification requirements and useful life require-
10 ments under this title.

11 “(2) REGULATORY STABILITY.—

12 “(A) TEMPORARY REGULATORY STA-
13 BILITY.—During the period of 10 years de-
14 scribed in paragraph (1), the Administrator
15 may not promulgate, revise, authorize, or imple-
16 ment under this section or section 209(b) any
17 regulation containing any standard or other re-
18 quirement that concerns inducement strategies
19 or diesel exhaust fluid quality monitoring rel-
20 evant to the covered guidance documents that is
21 applicable to new or in-use motor vehicles or
22 engines, including heavy-duty engines, heavy-
23 duty vehicles, light-duty vehicles, light-duty
24 trucks, and light-duty engines, and that is more
25 stringent than the covered guidance documents,

1 except that nothing in this paragraph shall pro-
2 hibit the Administrator 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 motor vehicles or
18 engines that are required to comply with
19 the 2007 standards or the 2010 standards;
20 or

21 “(iv) approving a voluntary manufac-
22 turer action that maintains compliance
23 with otherwise applicable certification re-
24 quirements and useful life requirements
25 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(b) that concerns inducement strategies
6 or diesel exhaust fluid quality monitoring rel-
7 evant to the covered guidance documents that is
8 applicable to new or in-use motor vehicles or
9 engines, including heavy-duty engines, heavy-
10 duty vehicles, light-duty vehicles, light-duty
11 trucks, and light-duty engines, that revises or
12 succeeds the 2007 standards or the 2010 stand-
13 ards shall—

14 “(i) apply for a period of no less than
15 3 model years; and

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

21 “(C) REQUIRED CONSIDERATIONS.—After
22 the expiration of the period described in para-
23 graph (1), in promulgating, revising, or author-
24 izing a standard or other requirement under
25 this section or section 209(b) that concerns in-

1 ducement strategies or diesel exhaust fluid
2 quality monitoring relevant to the covered guid-
3 ance documents that is applicable to new or in-
4 use motor vehicles or engines, including heavy-
5 duty engines, heavy-duty vehicles, light-duty ve-
6 hicles, light-duty trucks, and light-duty engines,
7 that revises or succeeds the 2007 standards or
8 the 2010 standards, the Administrator shall
9 consider—

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

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

23 “(iii) the effects of the proposed
24 standard or other requirement on resale
25 value, financing expectations, dealer inven-

1 tories, and equipment availability across
2 such motor vehicles and engines that are
3 already in service or are available for sale;

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

9 “(v) the need for nationally consistent
10 requirements for such motor vehicles and
11 engines; and

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

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

21 “(A) authorize permanent disablement of
22 an emissions control system;

23 “(B) exempt any new or in-use motor vehi-
24 cle or engine, including a heavy-duty engine, a
25 heavy-duty vehicle, a light-duty vehicle, a light-

1 duty truck, and a light-duty engine, from other-
2 wise applicable emission standards promulgated
3 under this title; or

4 “(C) prohibit the Administrator from ap-
5 proving software updates, repair strategies, di-
6 agnostic improvements, or monitoring ap-
7 proaches implemented consistent with otherwise
8 applicable certification requirements and useful
9 life requirements under this title.

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

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

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

21 “(C) COVERED GUIDANCE DOCUMENTS.—
22 The term ‘covered guidance documents’
23 means—

24 “(i) the guidance entitled ‘Revised
25 Guidance for Light Duty Vehicles, Heavy-

1 Duty Diesel Engines and Nonroad Com-
2 pression-Ignition (CI) Engines Using Se-
3 lective Catalytic Reduction (SCR) Tech-
4 nologies’, issued on August 11, 2025, and
5 designated as IACD–2025–10; and

6 “(ii) the guidance entitled ‘DEF
7 Quality Monitoring Using Alternate Sensor
8 Technologies’, issued on March 26, 2026,
9 and designated as IACD–2026–05.”.

10 **SEC. 3. PRESERVATION OF NONROAD VEHICLES AND**
11 **NONROAD ENGINES REGULATORY STABILITY.**

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

14 “(e) NONROAD VEHICLE AND NONROAD ENGINE
15 REGULATORY STABILITY.—

16 “(1) GUIDANCE-BASED SAFE HARBOR.—During
17 the period of 10 years beginning on the date of en-
18 actment of this subsection, implementation of an in-
19 ducement strategy, repair-related override, or diesel
20 exhaust fluid quality monitoring described in the
21 covered guidance documents with respect to a
22 nonroad vehicle or nonroad engine, including a
23 nonroad compression-ignition engine and equipment
24 that uses such an engine, shall not constitute a pro-
25 hibited act under this title if the implementation is

1 undertaken in a manner consistent with the covered
2 guidance documents, to the extent such covered
3 guidance documents apply to such a nonroad vehicle
4 or nonroad engine that is required to comply with
5 the Tier 4 standards, provided that such implemen-
6 tation is consistent with otherwise applicable certifi-
7 cation requirements and useful life requirements
8 under this title.

9 “(2) REGULATORY STABILITY.—

10 “(A) TEMPORARY REGULATORY STA-
11 BILITY.—During the period of 10 years de-
12 scribed in paragraph (1), the Administrator
13 may not promulgate, revise, authorize, or imple-
14 ment under this section or section 209(e)(2)
15 any regulation containing any standard or other
16 requirement that concerns an inducement strat-
17 egy, repair-related override, or diesel exhaust
18 fluid quality monitoring relevant to the covered
19 guidance documents that is applicable to
20 nonroad vehicles or nonroad engines, including
21 nonroad compression-ignition engines and
22 equipment containing such engines, that is
23 more stringent than the covered guidance docu-
24 ments, except that nothing in this paragraph
25 shall prohibit the Administrator from—

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

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

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

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

23 “(B) LEAD TIME.—After the expiration of
24 the period described in paragraph (1), any
25 standard or other requirement promulgated, re-

1 vised, or authorized under this section or sec-
2 tion 209(e)(2) that concerns inducement strate-
3 gies, repair-related overrides, or diesel exhaust
4 fluid quality monitoring relevant to the covered
5 guidance documents that is applicable to
6 nonroad vehicles or nonroad engines, including
7 nonroad compression-ignition engines and
8 equipment containing such engines, that revises
9 or succeeds the Tier 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) that concerns
22 inducement strategies, repair-related overrides,
23 or diesel exhaust fluid quality monitoring rel-
24 evant to the covered guidance documents that is
25 applicable to nonroad vehicles or nonroad en-

1 gines, including nonroad compression-ignition
2 engines and equipment containing such engines,
3 that revises or succeeds the Tier 4 standards,
4 the Administrator shall consider—

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

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

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

1 “(iv) the costs of the proposed stand-
2 ard or other requirement to owners and
3 operators of such nonroad vehicles or
4 nonroad engines, including downtime, re-
5 pair, service, logistics, and equipment re-
6 placement costs;

7 “(v) the need for nationally consistent
8 requirements for such nonroad vehicles and
9 nonroad engines; and

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

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

19 “(A) authorize permanent disablement of
20 an emissions control system;

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

1 “(C) prohibit the Administrator from ap-
2 proving software updates, repair strategies, di-
3 agnostic improvements, or monitoring ap-
4 proaches implemented consistent with otherwise
5 applicable certification requirements and useful
6 life requirements under this title.

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

8 “(A) COVERED GUIDANCE DOCUMENTS.—
9 The term ‘covered guidance documents’
10 means—

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

18 “(ii) the guidance entitled ‘Clarifica-
19 tion Regarding the Practice of Temporarily
20 Disabling Aspects of an Emission Control
21 System or Components to Repair or Main-
22 tain a Nonroad Engine’, issued January
23 30, 2026, and designated IACD–2026–01;
24 and

1 “(iii) the guidance entitled ‘DEF
2 Quality Monitoring Using Alternate Sensor
3 Technologies’, issued on March 26, 2026,
4 and designated as IACD–2026–05.

5 “(B) TIER 4 STANDARDS.—The term ‘Tier
6 4 standards’ means the standards and associ-
7 ated certification and compliance requirements
8 under parts 1039 and 1068 of title 40, Code of
9 Federal Regulations, as in effect on January 1,
10 2025.’”.

