

119TH CONGRESS  
1ST SESSION

# H. R. 1346

To amend the Clean Air Act with respect to the ethanol waiver for Reid Vapor Pressure under that Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2025

Mr. SMITH of Nebraska (for himself, Ms. CRAIG, Mr. JOHNSON of South Dakota, Ms. BUDZINSKI, Mrs. MILLER-MEEKS, Ms. DAVIDS of Kansas, Mr. FLOOD, Mr. BOST, Mr. MILLER of Ohio, Mrs. MILLER of Illinois, Mr. FINSTAD, Mr. ESTES, Mr. LAHOOD, Mr. MOORE of Utah, Mr. VAN ORDEN, Mr. NUNN of Iowa, Mr. SORENSEN, Ms. KELLY of Illinois, Mr. ALFORD, Mr. TAYLOR, Mr. FEENSTRA, Mr. MANN, Mrs. HINSON, Mrs. FISCHBACH, Mr. BACON, Mr. SCHMIDT, Mr. GUEST, Mr. CLEAVER, Ms. McDONALD RIVET, and Mr. DAVIS of North Carolina) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Clean Air Act with respect to the ethanol waiver for Reid Vapor Pressure under that Act, 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 “Nationwide Consumer  
5 and Fuel Retailer Choice Act of 2025”.

1 **SEC. 2. NATIONWIDE CONSUMER AND FUEL RETAILER**  
2 **CHOICE ACT OF 2024.**

3 (a) ETHANOL WAIVER.—

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

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

9 “(4) WAIVERS.—

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

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

14 (i) in the first sentence—

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

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

20 (ii) in the second sentence, by striking  
21 “The Administrator” and inserting the fol-  
22 lowing:

23 “(B) FINAL ACTION.—The Adminis-  
24 trator”; and

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

1 “(C) REID VAPOR PRESSURE.—A fuel or  
2 fuel additive may be introduced into commerce  
3 if—

4 “(i)(I) the Administrator determines  
5 that the fuel or fuel additive is substan-  
6 tially similar to a fuel or fuel additive uti-  
7 lized in the certification of any model year  
8 vehicle pursuant to paragraph (1)(A); or

9 “(II) the fuel or fuel additive has been  
10 granted a waiver under subparagraph (A)  
11 and meets all of the conditions of that  
12 waiver other than any limitation of the  
13 waiver with respect to the Reid Vapor  
14 Pressure of the fuel or fuel additive; and

15 “(ii) the fuel or fuel additive meets all  
16 other applicable Reid Vapor Pressure re-  
17 quirements under subsection (h).”.

18 (2) REID VAPOR PRESSURE LIMITATION.—Sec-  
19 tion 211(h) of the Clean Air Act (42 U.S.C.  
20 7545(h)) is amended—

21 (A) by striking “vapor pressure” each  
22 place it appears and inserting “Vapor Pres-  
23 sure”;

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

4 (C) in paragraph (5)(A)—

5 (i) by striking “Upon notification, ac-  
6 companied by” and inserting “On receipt  
7 of a notification that is submitted after the  
8 date of enactment of the Nationwide Con-  
9 sumer and Fuel Retailer Choice Act of  
10 2025, and is accompanied by appropriate”;

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

13 (iii) by adding at the end the fol-  
14 lowing: “Upon the date of enactment of  
15 the Nationwide Consumer and Fuel Re-  
16 tailer Choice Act of 2025, any State for  
17 which the notification from the Governor  
18 of a State was submitted before the date  
19 of enactment of the Nationwide Consumer  
20 and Fuel Retailer Choice Act of 2025 and  
21 to which the Administrator applied the  
22 Reid Vapor Pressure limitation established  
23 by paragraph (1) shall instead have the  
24 Reid Vapor Pressure limitation established  
25 by paragraph (4) apply to all fuel blends

1 containing gasoline and 10 to 15 percent  
2 denatured anhydrous ethanol that are sold,  
3 offered for sale, dispensed, supplied, of-  
4 fered for supply, transported, or introduced  
5 into commerce in the area during the high  
6 ozone season.”.

7 (b) GENERATION OF CREDITS BY SMALL REFIN-  
8 ERIES UNDER THE RENEWABLE FUEL PROGRAM.—Sec-  
9 tion 211(o)(9) of the Clean Air Act (42 U.S.C.  
10 7545(o)(9)) is amended by adding at the end the fol-  
11 lowing:

12 “(E) CREDITS GENERATED FOR 2016–2018  
13 COMPLIANCE YEARS.—

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

18 “(I) returned to the small refin-  
19 ery and, notwithstanding paragraph  
20 (5)(C), deemed eligible for future  
21 compliance years; or

22 “(II) applied as a credit in the  
23 EPA Moderated Transaction System  
24 (EMTS) account of the small refinery.

1 “(ii) COMPLIANCE YEARS 2016 AND  
2 2017.—Clause (i) applies with respect to  
3 any small refinery that—

4 “(I) retired credits generated for  
5 compliance years 2016 or 2017; and

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

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

14 “(I) that submitted a petition  
15 under subparagraph (B)(i) for compli-  
16 ance year 2018 by September 1,  
17 2019;

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

23 “(III) for which—

1           “(aa) the petition remained  
2           outstanding as of December 1,  
3           2022; or

4           “(bb) the Administrator de-  
5           nied the petition as of July 1,  
6           2022, and has not returned the  
7           retired credits as of December 1,  
8           2022.”.

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