

119TH CONGRESS
1ST SESSION

S. _____

To amend the Clean Air Act to modify Reid Vapor Pressure requirements and to provide for the return of certain retired credits, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. FISCHER introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Clean Air Act to modify Reid Vapor Pressure requirements and to provide for the return of certain retired credits, 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”.

6 **SEC. 2. CLEAN AIR ACT AMENDMENTS.**

7 (a) ETHANOL WAIVER.—

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

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

3 “(4) WAIVERS.—

4 “(A) IN GENERAL.—The Administrator,
5 on”;

6 (B) in subparagraph (A) (as so des-
7 ignated)—

8 (i) in the first sentence—

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

11 (II) by striking “if he deter-
12 mines” and inserting “if the Adminis-
13 trator determines”; and

14 (ii) in the second sentence, by striking
15 “The Administrator” and inserting the fol-
16 lowing:

17 “(B) FINAL ACTION.—The Adminis-
18 trator”; and

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

20 “(C) REID VAPOR PRESSURE.—A fuel or
21 fuel additive may be introduced into commerce
22 if—

23 “(i)(I) the Administrator determines
24 that the fuel or fuel additive is substan-
25 tially similar to a fuel or fuel additive uti-

1 lized in the certification of any model year
2 vehicle pursuant to paragraph (1)(A); or

3 “(II) the fuel or fuel additive has been
4 granted a waiver under subparagraph (A)
5 and meets all of the conditions of that
6 waiver other than any limitation of the
7 waiver with respect to the Reid Vapor
8 Pressure of the fuel or fuel additive; and

9 “(ii) the fuel or fuel additive meets all
10 other applicable Reid Vapor Pressure re-
11 quirements under subsection (h).”.

12 (2) REID VAPOR PRESSURE LIMITATION.—Sec-
13 tion 211(h) of the Clean Air Act (42 U.S.C.
14 7545(h)) is amended—

15 (A) by striking “vapor pressure” each
16 place it appears and inserting “Vapor Pres-
17 sure”;

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

21 (C) in paragraph (5)(A)—

22 (i) by striking “Upon notification, ac-
23 companied by” and inserting “On receipt
24 of a notification that is submitted after the
25 date of enactment of the Nationwide Con-

1 sumer and Fuel Retailer Choice Act of
2 2025, and is accompanied by appropriate”;

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

5 (iii) by adding at the end the fol-
6 lowing: “Upon the enactment of the Na-
7 tionwide Consumer and Fuel Retailer
8 Choice Act of 2025, any State for which
9 the notification from the Governor of a
10 State was submitted before the date of en-
11 actment of the Nationwide Consumer and
12 Fuel Retailer Choice Act of 2025 and to
13 which the Administrator applied the Reid
14 Vapor Pressure limitation established by
15 paragraph (1) shall instead have the Reid
16 Vapor Pressure limitation established by
17 paragraph (4) apply to all fuel blends con-
18 taining gasoline and 10 to 15 percent de-
19 natured anhydrous ethanol that are sold,
20 offered for sale, dispensed, supplied, of-
21 fered for supply, transported, or introduced
22 into commerce in the area during the high
23 ozone season.”.

24 (b) GENERATION OF CREDITS BY SMALL REFIN-
25 ERIES UNDER THE RENEWABLE FUEL PROGRAM.—Sec-

1 tion 211(o)(9) of the Clean Air Act (42 U.S.C.
2 7545(o)(9)) is amended by adding at the end the fol-
3 lowing:

4 “(E) CREDITS GENERATED FOR 2016–2018
5 COMPLIANCE YEARS.—

6 “(i) RULE.—For any small refinery
7 described in clause (ii) or (iii), the credits
8 described in the respective clause shall
9 be—

10 “(I) returned to the small refin-
11 ery and, notwithstanding paragraph
12 (5)(C), deemed eligible for future
13 compliance years; or

14 “(II) applied as a credit in the
15 EPA Moderated Transaction System
16 (EMTS) account of the small refinery.

17 “(ii) COMPLIANCE YEARS 2016 AND
18 2017.—Clause (i) applies with respect to
19 any small refinery that—

20 “(I) retired credits generated for
21 compliance years 2016 or 2017; and

22 “(II) submitted a petition under
23 subparagraph (B)(i) for that compli-
24 ance year that remained outstanding
25 as of December 1, 2022.

1 “(iii) COMPLIANCE YEAR 2018.—In
2 addition to small refineries described in
3 clause (ii), clause (i) applies with respect
4 to any small refinery—

5 “(I) that submitted a petition
6 under subparagraph (B)(i) for compli-
7 ance year 2018 by September 1,
8 2019;

9 “(II) that retired credits gen-
10 erated for compliance year 2018 as
11 part of the compliance demonstration
12 of the small refinery for compliance
13 year 2018 by March 31, 2019; and

14 “(III) for which—

15 “(aa) the petition remained
16 outstanding as of December 1,
17 2022; or

18 “(bb) the Administrator de-
19 nied the petition as of July 1,
20 2022, and has not returned the
21 retired credits as of December 1,
22 2022.”.