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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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**

Mr. SMITH of Nebraska introduced the following bill; which was referred to  
the Committee on \_\_\_\_\_

\_\_\_\_\_  
**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”.

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

8       (a) ETHANOL WAIVER.—

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

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

6       “(4) WAIVERS.—

7           “(A) IN GENERAL.—The Administrator,  
8       on”;

9           (B) in subparagraph (A) (as so des-  
10      ignated)—

11          (i) in the first sentence—

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

14               (II) by striking “if he deter-  
15          mines” and inserting “if the Adminis-  
16          trator determines”; and

17          (ii) in the second sentence, by striking  
18          “The Administrator” and inserting the fol-  
19          lowing:

20               “(B) FINAL ACTION.—The Adminis-  
21          trator”; and

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

23               “(C) REID VAPOR PRESSURE.—A fuel or  
24          fuel additive may be introduced into commerce  
25          if—

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

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

12 “(ii) the fuel or fuel additive meets all  
13 other applicable Reid Vapor Pressure re-  
14 quirements under subsection (h).”.

15 (2) REID VAPOR PRESSURE LIMITATION.—Sec-  
16 tion 211(h) of the Clean Air Act (42 U.S.C.  
17 7545(h)) is amended—

18 (A) by striking “vapor pressure” each  
19 place it appears and inserting “Vapor Pres-  
20 sure”;

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

24 (C) in paragraph (5)(A)—

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

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

9 (iii) by adding at the end the fol-  
10 lowing: “Upon the date of enactment of  
11 the Nationwide Consumer and Fuel Re-  
12 tailer Choice Act of 2025, any State for  
13 which the notification from the Governor  
14 of a State was submitted before the date  
15 of enactment of the Nationwide Consumer  
16 and Fuel Retailer Choice Act of 2025 and  
17 to which the Administrator applied the  
18 Reid Vapor Pressure limitation established  
19 by paragraph (1) shall instead have the  
20 Reid Vapor Pressure limitation established  
21 by paragraph (4) apply to all fuel blends  
22 containing gasoline and 10 to 15 percent  
23 denatured anhydrous ethanol that are sold,  
24 offered for sale, dispensed, supplied, of-  
25 fered for supply, transported, or introduced

1                   into commerce in the area during the high  
2                   ozone season.”.

3           (b) GENERATION OF CREDITS BY SMALL REFIN-  
4 ERIES UNDER THE RENEWABLE FUEL PROGRAM.—Sec-  
5 tion 211(o)(9) of the Clean Air Act (42 U.S.C.  
6 7545(o)(9)) is amended by adding at the end the fol-  
7 lowing:

8                   “(E) CREDITS GENERATED FOR 2016–2018  
9 COMPLIANCE YEARS.—

10                   “(i) RULE.—For any small refinery  
11 described in clause (ii) or (iii), the credits  
12 described in the respective clause shall  
13 be—

14                   “(I) returned to the small refin-  
15 ery and, notwithstanding paragraph  
16 (5)(C), deemed eligible for future  
17 compliance years; or

18                   “(II) applied as a credit in the  
19 EPA Moderated Transaction System  
20 (EMTS) account of the small refinery.

21                   “(ii) COMPLIANCE YEARS 2016 AND  
22 2017.—Clause (i) applies with respect to  
23 any small refinery that—

24                   “(I) retired credits generated for  
25 compliance years 2016 or 2017; and

1 “(II) submitted a petition under  
2 subparagraph (B)(i) for that compli-  
3 ance year that remained outstanding  
4 as of December 1, 2022.

5 “(iii) COMPLIANCE YEAR 2018.—In  
6 addition to small refineries described in  
7 clause (ii), clause (i) applies with respect  
8 to any small refinery—

9 “(I) that submitted a petition  
10 under subparagraph (B)(i) for compli-  
11 ance year 2018 by September 1,  
12 2019;

13 “(II) that retired credits gen-  
14 erated for compliance year 2018 as  
15 part of the compliance demonstration  
16 of the small refinery for compliance  
17 year 2018 by March 31, 2019; and

18 “(III) for which—

19 “(aa) the petition remained  
20 outstanding as of December 1,  
21 2022; or

22 “(bb) the Administrator de-  
23 nied the petition as of July 1,  
24 2022, and has not returned the

1 retired credits as of December 1,  
2 2022.”.