

118TH CONGRESS
2D SESSION

H. R. 9885

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2024

Mr. SMITH of Nebraska (for himself, Ms. CRAIG, Mr. JOHNSON of South Dakota, Ms. BUDZINSKI, Mrs. MILLER-MEEKS, Ms. DAVIDS of Kansas, Mr. LAHOOD, Mr. SORENSEN, Mr. FLOOD, Mr. KILDEE, Mr. GRAVES of Missouri, Mr. LANDSMAN, Mrs. HINSON, Ms. KAPTUR, Mr. FEENSTRA, Ms. KELLY of Illinois, Mr. FINSTAD, Ms. SLOTKIN, Mrs. MILLER of Illinois, Mr. ALFORD, Mr. LATURNER, Mr. ESTES, Mr. CAREY, Mrs. FISCHBACH, Mr. PENCE, Mr. MILLER of Ohio, Mr. MANN, Mrs. WAGNER, Mr. BOST, Mr. NUNN of Iowa, Mr. GUEST, Mr. BACON, Mr. LUETKEMEYER, Mr. CARTER of Georgia, and Mr. SMITH of Missouri) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 2024”.

1 **SEC. 2. ETHANOL WAIVER.**

2 (a) **EXISTING WAIVERS.**—Section 211(f)(4) of the
3 Clean Air Act (42 U.S.C. 7545(f)(4)) is amended—

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

6 “(4) **WAIVERS.**—

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

9 (2) in subparagraph (A) (as so designated)—

10 (A) in the first sentence—

11 (i) by striking “of this subsection”
12 each place it appears; and

13 (ii) by striking “if he determines” and
14 inserting “if the Administrator deter-
15 mines”; and

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

19 “(B) **FINAL ACTION.**—The Adminis-
20 trator”;

21 (3) by adding at the end the following:

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

25 “(i)(I) the Administrator determines
26 that the fuel or fuel additive is substan-

1 tially similar to a fuel or fuel additive uti-
2 lized in the certification of any model year
3 vehicle pursuant to paragraph (1)(A); or

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

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

13 (b) REID VAPOR PRESSURE LIMITATION.—Section
14 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is
15 amended—

16 (1) by striking “vapor pressure” each place it
17 appears and inserting “Vapor Pressure”;

18 (2) in paragraph (4), in the matter preceding
19 subparagraph (A), by striking “10 percent” and in-
20 serting “10 to 15 percent”; and

21 (3) in paragraph (5)(A)—

22 (A) by striking “Upon notification, accom-
23 panied by” and inserting “On receipt of a noti-
24 fication that is submitted before January 1,
25 2022, or after the date of enactment of the Na-

1 nationwide Consumer and Fuel Retailer Choice
2 Act of 2024, and is accompanied by appro-
3 priate”; and

4 (B) by striking “10 percent” and inserting
5 “10 to 15 percent”.

6 **SEC. 3. GENERATION OF CREDITS BY SMALL REFINERIES**
7 **UNDER THE RENEWABLE FUEL PROGRAM.**

8 Section 211(o)(9) of the Clean Air Act (42 U.S.C.
9 7545(o)(9)) is amended by adding at the end the fol-
10 lowing:

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

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

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

21 “(II) applied as a credit in the
22 EPA Moderated Transaction System
23 (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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