

117TH CONGRESS
2D SESSION

S. 5145

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 SENATE OF THE UNITED STATES

NOVEMBER 29, 2022

Mrs. FISCHER (for herself, Ms. KLOBUCHAR, Mr. GRASSLEY, Ms. DUCKWORTH, Mr. THUNE, Ms. SMITH, Ms. ERNST, Mr. BROWN, Mr. MARSHALL, Mr. DURBIN, Mr. CRAMER, Ms. BALDWIN, Mr. SASSE, and Mr. ROUNDS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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 “Consumer and Fuel
5 Retailer Choice Act of 2022”.

6 **SEC. 2. ETHANOL WAIVER.**

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

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

3 “(4) WAIVERS.—

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

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

7 (A) in the first sentence—

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

10 (ii) by striking “if he determines” and
 11 inserting “if the Administrator deter-
 12 mines”; and

13 (B) in the second sentence—

14 (i) by striking “such an application”
 15 and inserting “an application described in
 16 subparagraph (A)”; and

17 (ii) by striking “The Administrator”
 18 and inserting the following:

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

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—

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 (b) REID VAPOR PRESSURE LIMITATION.—Section
 16 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is
 17 amended—

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

20 (2) in paragraph (4), in the matter preceding
 21 subparagraph (A), by inserting “or more” after “10
 22 percent”; and

23 (3) in paragraph (5)(A)—

24 (A) by striking “Upon notification, accom-
 25 panied by” and inserting “On receipt of a noti-

1 fication that is submitted before January 1,
2 2022, or after the date of enactment of the
3 Consumer and Fuel Retailer Choice Act of
4 2022, and is accompanied by appropriate”; and
5 (B) by inserting “or more” after “10 per-
6 cent”.

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