

118TH CONGRESS
1ST SESSION

S. _____

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

Mrs. FISCHER introduced the following bill; which was read twice and 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 “Consumer and Fuel
5 Retailer Choice Act of 2023”.

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—

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

1 “(4) WAIVERS.—

2 “(A) IN GENERAL.—The Administrator,
3 on”;

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

5 (A) in the first sentence—

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

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

11 (B) in the second sentence—

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

15 (ii) by striking “The Administrator”
16 and inserting the following:

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

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

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

17 (2) in paragraph (4), in the matter preceding
18 subparagraph (A), by inserting “or more” after “10
19 percent”; and

20 (3) in paragraph (5)(A)—

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

1 Consumer and Fuel Retailer Choice Act of
2 2023, and is accompanied by appropriate”; and
3 (B) by inserting “or more” after “10 per-
4 cent”.