

115TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To clarify the effect of certain final rules and determinations of the Environmental Protection Agency relating to greenhouse gas emissions standards for light-duty vehicles.

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IN THE SENATE OF THE UNITED STATES

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To clarify the effect of certain final rules and determinations of the Environmental Protection Agency relating to greenhouse gas emissions standards for light-duty vehicles.

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 “Greener Air Standards  
5 Mean Our National Security, Environment, and Youth  
6 Saved Act” or the “GAS MONEY Saved Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

1           (1) in 2009, the National Highway Traffic  
2           Safety Administration of the Department of Trans-  
3           portation and the Environmental Protection Agency  
4           reached an historic agreement with State regulators,  
5           automakers, the International Union, United Auto-  
6           mobile, Aerospace, and Agricultural Implement  
7           Workers of America, and leaders in the environ-  
8           mental community to establish a program of Federal  
9           standards, known as “One National Program”, to  
10          reduce greenhouse gas emissions and increase cor-  
11          porate average fuel economy for light-duty vehicles,  
12          in cooperation and alignment with the California Air  
13          Resources Board;

14          (2) in 2012, as part of One National Pro-  
15          gram—

16                 (A) the Environmental Protection Agency  
17                 established final greenhouse gas emission stand-  
18                 ards for vehicles of model years 2017 through  
19                 2025; and

20                 (B) the National Highway Traffic Safety  
21                 Administration established final—

22                         (i) corporate average fuel economy  
23                         standards for vehicles of model years 2017  
24                         through 2021; and

1 (ii) augural standards for vehicles of  
2 model years 2022 through 2025;

3 (3)(A) the standards described in paragraph (2)  
4 are based on the specific footprint of vehicles for the  
5 purposes of—

6 (i) providing automotive manufacturers  
7 flexibility; and

8 (ii) ensuring that consumers have a choice  
9 of a full range of vehicle sizes to meet their  
10 needs; and

11 (B) under that footprint-based system, small  
12 vehicles are required to meet more stringent stand-  
13 ards than large vehicles;

14 (4) the Environmental Protection Agency, to-  
15 gether with the National Highway Traffic Safety  
16 Administration and the California Air Resources  
17 Board, jointly published a robust research and anal-  
18 ysis document, known as the “Technical Assessment  
19 Report”, that clearly demonstrated that the existing  
20 standards are technically feasible and cost-effective;

21 (5) in January 2017, the Environmental Pro-  
22 tection Agency issued a final determination to main-  
23 tain the existing greenhouse gas emissions standards  
24 for vehicles of model years 2022 through 2025, as  
25 prescribed by the final rule described in paragraph

1 (2)(A), noting that the standards could have been  
2 strengthened but were not, in order to ensure cer-  
3 tainty for the automobile manufacturers;

4 (6) the National Highway Traffic Safety Ad-  
5 ministration—

6 (A) as of the date of enactment of this  
7 Act, is assessing the augural standards de-  
8 scribed in paragraph (2)(B)(ii); and

9 (B) will conduct a rulemaking to prescribe  
10 final standards for vehicles of model years 2022  
11 through 2025; and

12 (7) on April 2, 2018, the Environmental Pro-  
13 tection Agency issued a final determination entitled  
14 “Mid-term Evaluation of Greenhouse Gas Emissions  
15 Standards for Model Year 2022-2025 Light-duty  
16 Vehicles”, which—

17 (A) rejected an extensive technical record  
18 that—

19 (i) includes more than 2,000 pages;

20 and

21 (ii) was created through—

22 (I) a research period of 8 years;

23 (II) a review of several hundred  
24 published reports;

1 (III) hundreds of stakeholder  
2 meetings; and

3 (IV) multiple opportunities for  
4 public comment;

5 (B) failed—

6 (i) to take into consideration extensive  
7 peer-reviewed publications, including from  
8 the technical staff of the Environmental  
9 Protection Agency, demonstrating the abil-  
10 ity of automobile manufacturers to meet  
11 the standards described in paragraph (2)  
12 through model year 2025; and

13 (ii) to provide evidence to refute the  
14 findings contained in the final determina-  
15 tion of the Environmental Protection  
16 Agency entitled “Final Determination on  
17 the Appropriateness of the Model Year  
18 2022-2025 Light-Duty Vehicle Greenhouse  
19 Gas Emissions Standards under the Mid-  
20 term Evaluation” and dated January 12,  
21 2017, that—

22 (I) automobile manufacturers are  
23 well positioned, and have a wide range  
24 of technology pathways available, to  
25 meet the standards described in para-

1 graph (2) at lower costs than pre-  
2 viously estimated; and

3 (II) although the technical record  
4 indicated that those standards could  
5 be made more stringent, maintaining  
6 the standards would provide regu-  
7 latory certainty for the automobile in-  
8 dustry; and

9 (C) was not based on a complete technical  
10 review of the evidence, but was an attack on the  
11 largest climate policy in effect on the date of  
12 the final determination.

13 **SEC. 3. GREENHOUSE GAS EMISSIONS STANDARDS FOR**  
14 **LIGHT-DUTY VEHICLES.**

15 (a) IN GENERAL.—Notwithstanding the notice of the  
16 Environmental Protection Agency entitled “Mid-term  
17 Evaluation of Greenhouse Gas Emissions Standards for  
18 Model Year 2022-2025 Light-duty Vehicles” and dated  
19 April 2, 2018, the following shall have the force and effect  
20 of law:

21 (1) The final rule of the Environmental Protec-  
22 tion Agency entitled “2017 and Later Model Year  
23 Light-Duty Vehicle Greenhouse Gas Emissions and  
24 Corporate Average Fuel Economy Standards” (77

1 Fed. Reg. 62624 (October 15, 2012)) (as in effect  
2 on April 1, 2018).

3 (2) The final determination of the Environ-  
4 mental Protection Agency entitled “Final Deter-  
5 mination on the Appropriateness of the Model Year  
6 2022-2025 Light-Duty Vehicle Greenhouse Gas  
7 Emissions Standards under the Midterm Evalua-  
8 tion” and dated January 12, 2017 (as in effect on  
9 April 1, 2018).

10 (b) LIMITATION ON CERTAIN ACTIONS.—The Admin-  
11 istrator of the Environmental Protection Agency may not  
12 issue any rules or take any action that would effectively  
13 reduce the stringency of greenhouse gas emissions stand-  
14 ards required to be attained by each fleet of light-duty  
15 vehicles manufactured for sale in the United States for  
16 model years 2022 through 2025 under the regulation de-  
17 scribed in subsection (a)(1), as affirmed by the final deter-  
18 mination described in subsection (a)(2).