

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.

IN THE SENATE OF THE UNITED STATES

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

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).