

115TH CONGRESS  
2D SESSION

# S. 2643

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

APRIL 10, 2018

Mr. MARKEY (for himself, Mr. WHITEHOUSE, Mr. VAN HOLLEN, Ms. SMITH, Mr. BLUMENTHAL, Mr. MERKLEY, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

16 (2) in 2012, as part of One National Pro-  
17 gram—

18 (A) the Environmental Protection Agency  
19 established final greenhouse gas emission stand-  
20 ards for vehicles of model years 2017 through  
21 2025; and

22 (B) the National Highway Traffic Safety  
23 Administration established final—

24 (i) corporate average fuel economy  
25 standards for vehicles of model years 2017  
26 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).

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