

116TH CONGRESS
1ST SESSION

S. 1022

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

APRIL 3, 2019

Mr. MARKEY (for himself, Mrs. FEINSTEIN, Ms. HARRIS, Ms. WARREN, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Mr. BOOKER, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. WYDEN, Mr. WHITEHOUSE, Mr. REED, Mr. SANDERS, Mr. LEAHY, Mr. BENNET, Ms. SMITH, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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 emissions
20 standards for vehicles of model years 2017
21 through 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) on April 13, 2018, the Environmental Pro-
5 tection Agency issued a new final determination en-
6 titled “Mid-Term Evaluation of Greenhouse Gas
7 Emissions Standards for Model Year 2022–2025
8 Light-Duty Vehicles” (83 Fed. Reg. 16077),
9 which—

10 (A) rejected an extensive technical record

11 that—

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

13 and

14 (ii) was created through—

15 (I) a research period of 8 years;

16 (II) a review of several hundred
17 published reports;

18 (III) hundreds of stakeholder
19 meetings; and

20 (IV) multiple opportunities for
21 public comment;

22 (B) failed—

23 (i) to take into consideration extensive
24 peer-reviewed publications, including from
25 the technical staff of the Environmental

1 Protection Agency, demonstrating the abil-
2 ity of automobile manufacturers to meet
3 the standards described in paragraph (2)
4 through model year 2025; and

5 (ii) to provide evidence to refute the
6 findings contained in the final determina-
7 tion of the Environmental Protection
8 Agency entitled “Final Determination on
9 the Appropriateness of the Model Year
10 2022–2025 Light-Duty Vehicle Greenhouse
11 Gas Emissions Standards under the Mid-
12 term Evaluation” and dated January 12,
13 2017, that—

14 (I) automobile manufacturers are
15 well-positioned, and have a wide range
16 of technology pathways available, to
17 meet the standards described in para-
18 graph (2) at lower cost than pre-
19 viously estimated; and

20 (II) although the technical record
21 indicated that those standards could
22 be made more stringent, maintaining
23 the standards would provide regu-
24 latory certainty for the automobile in-
25 dustry; and

1 (C) was not based on a complete technical
2 review of the evidence, but was an attack on the
3 largest climate policy in effect on the date of
4 the final determination; and

5 (7) on August 24, 2018, the Environmental
6 Protection Agency and the National Highway Traf-
7 fic Safety Administration issued a notice of proposed
8 rulemaking entitled “The Safer Affordable Fuel-Ef-
9 ficient (SAFE) Vehicles Rule for Model Years 2021–
10 2026 Passenger Cars and Light Trucks” (83 Fed.
11 Reg. 42817) (referred to in this section as the “No-
12 tice”), which included a preferred alternative that
13 would—

14 (A) freeze the light-duty fuel economy
15 standards and greenhouse gas emissions stand-
16 ards at model year 2020 levels, with no year-
17 over-year improvement through model year
18 2026;

19 (B) result in no improvement in vehicle
20 greenhouse gas emissions standards during the
21 period of 2018 through 2026, when considered
22 together with an additional proposal to elimi-
23 nate hydrofluorocarbon compliance credits;

24 (C) result in—

1 (i) an estimated light-duty fleet fuel
 2 economy of approximately 37 miles per
 3 gallon; and

4 (ii) a carbon dioxide emissions stand-
 5 ard of approximately 240 grams per mile
 6 during calendar year 2026; and

7 (D) as compared to existing standards—

8 (i) increase domestic oil consumption
 9 by not less than 500,000 barrels of oil per
 10 day by the early 2030s, according to the
 11 Notice;

12 (ii) produce an additional
 13 2,200,000,000 metric tons of global warm-
 14 ing emissions by January 1, 2040;

15 (iii) cost consumers \$55,000,000,000
 16 in additional gasoline costs in calendar
 17 year 2040; and

18 (iv) decrease the jobs in the auto-
 19 motive industry by 60,000 during calendar
 20 year 2030, according to the Notice.

21 **SEC. 3. GREENHOUSE GAS EMISSIONS STANDARDS FOR**
 22 **LIGHT-DUTY VEHICLES.**

23 (a) IN GENERAL.—Notwithstanding the notice of the
 24 Environmental Protection Agency entitled “Mid-Term
 25 Evaluation of Greenhouse Gas Emissions Standards for

1 Model Year 2022–2025 Light-Duty Vehicles” (83 Fed.
2 Reg. 16077 (April 13, 2018)) and the notice of proposed
3 rulemaking of the Environmental Protection Agency and
4 the National Highway Traffic Safety Administration enti-
5 tled “The Safer Affordable Fuel-Efficient (SAFE) Vehi-
6 cles Rule for Model Years 2021–2026 Passenger Cars and
7 Light Trucks” (83 Fed. Reg. 42817 (August 24, 2018)),
8 the following shall have the force and effect of law:

9 (1) The final rule of the Environmental Protec-
10 tion Agency and the National Highway Traffic Safe-
11 ty Administration entitled “2017 and Later Model
12 Year Light-Duty Vehicle Greenhouse Gas Emissions
13 and Corporate Average Fuel Economy Standards”
14 (77 Fed. Reg. 62624 (October 15, 2012)) (as in ef-
15 fect on April 1, 2018).

16 (2) The final determination of the Environ-
17 mental Protection Agency entitled “Final Deter-
18 mination on the Appropriateness of the Model Year
19 2022–2025 Light-Duty Vehicle Greenhouse Gas
20 Emissions Standards under the Midterm Evalua-
21 tion” and dated January 12, 2017 (as in effect on
22 April 1, 2018).

23 (b) LIMITATION ON CERTAIN ACTIONS.—The Admin-
24 istrator of the Environmental Protection Agency may not
25 issue any rule or take any action that would effectively

1 reduce the stringency of greenhouse gas emissions stand-
2 ards required to be attained by each fleet of light-duty
3 vehicles manufactured for sale in the United States
4 through calendar year 2025 pursuant to the regulation de-
5 scribed in subsection (a)(1), as affirmed by the final deter-
6 mination described in subsection (a)(2).

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