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Subject: FW: Vote Summary - H.J. Res. 87 and H.J. Res. 89 (CRAs on California Heavy Duty Truck Waivers)

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From: Joshua Bowlen <josh_bowlen@rpc.senate.gov>
Sent: Tuesday, May 20, 2025 12:23 PM
Subject: Vote Summary - H.J. Res. 87 and H.J. Res. 89 (CRAs on California Heavy Duty Truck Waivers)

REPUBLICAN POLICY COMMITTEE

TUESDAY, MAY 20, 2025 AT 12:22 PM

Vote Summary - H.J. Res. 87 and H.J. Res. 89, Congressional Review Act Resolutions to Overturn the Biden EPA's Waivers for California to Implement Emissions Regulations Related to Heavy-Duty Vehicles

As soon as this week, the Senate may consider three Congressional Review Act (CRA) joint resolutions of disapproval to overturn Biden EPA waivers for the State of California, and other states that have opted to join it, to implement electric, or "zero-emission," vehicle mandates.

- Two of the resolutions, **H.J.Res. 87** and **H.J.Res. 89**, would overturn waivers for several California regulations that dramatically increase the stringency of emissions standards for heavy-duty trucks and force a rapid transition to zero-emission heavy-duty trucks. Those resolutions are covered in [this](#) RPC vote summary.
- The third resolution, **H.J.Res. 88**, would overturn a waiver for California's Advanced Clean Car (ACC) II regulation, which mandates that by 2035, 100% of new

passenger cars and light trucks sold must be zero-emission vehicles (ZEVs). That resolution is covered in a separate RPC vote summary, which can be viewed [here](#).

As the Congressional Research Service (CRS) [explains](#), a motion to proceed to a CRA resolution requires a simple majority for adoption. If the motion to proceed is successful, the CRA disapproval resolution would then be pending and subject to up to 10 hours of debate . . . No amendments are permitted. Upon the using or yielding back of the allotted time, the Senate would vote on the measure.” Passage of a joint resolution requires a **simple majority**.

H.J. Res. 87

- The House passed H.J. Res. 87 on April 30, 2025, on a bipartisan vote of **231-191**. Thirteen House Democrats from 10 different states (i.e., ME, GA, TX, NC, NM, NV, NY, MI, MD, and WA) voted for the resolution. Senator Fischer has introduced a Senate companion to H.J. Res. 87 (**S.J. Res. 46**).
- If enacted, H.J. Res. 87/S.J. Res. 46 would overturn Clean Air Act (CAA) preemption waivers that the Biden EPA gave to California to implement its Advanced Clean Trucks (ACT) rule and three other heavy-duty truck emissions regulations. In this RPC Vote Summary, these regulations are collectively referred to as the ACT+ regulations. ACT, which has also been adopted by **ten** other states (i.e., CO, MD, MA, NJ, NM, NY, OR, RI, VT, and WA), forces manufacturers to sell zero-emission trucks as an increasing percentage of their annual sales in those states from 2024 to 2035.
- In support of H.J. Res. 87/S.J. Res. 46, Senator Fischer has stated that “what happens in California doesn’t stay in California. Their emissions regulation will cripple the truck manufacturing industry nationwide, overloading companies and truckers with expensive, heavy-handed requirements. This inevitably leads to increased prices for families across the nation.”

H.J. Res. 89

- The House passed H.J. Res. 89 on April 30, 2025, on a bipartisan vote of **225-196**. Ten House Democrats from eight states voted for the resolution (i.e. ME, GA, TX, NC, NM, NV, MI, and WA). Senator Mullin has introduced a Senate companion to H.J. Res. 89 (**S.J. Res. 47**).

- If enacted, H.J. Res. 89/S.J. Res. 47 would overturn CAA preemption waivers that the Biden EPA gave to California to implement its Heavy-Duty Vehicle and Engine “Omnibus” Low NOx (Omnibus Low NOx) regulation. That regulation, which has also been adopted by nine other states (i.e., CO, MA, NJ, NM, NY, OR, RI, VT, and WA) dramatically increased the stringency of the oxides of nitrogen (NOx) and particulate matter (PM) emissions standards for heavy-duty trucks, beginning in Model Year 2024.
- In support of H.J. Res. 89/S.J. Res. 47, Senator Mullin has emphasized that “we cannot allow California’s costly and extreme Green New Deal agenda to bankrupt families and eliminate consumer choice for hundreds of millions of American families.”

The Trump White House has issued a **Statement of Administration Policy** (SAP) on H.J. Res. 87, H.J. Res. 89, and H.J. Res. 88. The SAP noted that the Biden EPA “irresponsibly, arbitrarily, and unlawfully granted waivers that allowed California to implement what was effectively a national electric vehicle (EV) mandate . . . affecting the cost of vehicles and vehicle mix across the entire nation and costing Americans and manufacturers billions of dollars.” The SAP also stated the administration “strongly supports” passage of the joint resolutions to overturn the waivers.

The heavy-duty truck CRAs are supported by a wide range of stakeholders, including the **trucking industry, truck dealers, energy and agricultural producers, and transportation providers.**

The Trump administration has submitted the ACT+, Omnibus Low NOx, and ACC II waivers to Congress for review under the CRA. They did so after the Biden administration asserted that the waivers were not rules under the CRA and declined to submit them. In response to a request from three Democrat Senators, the Government Accountability Office (GAO) issued a March 2025 **document** that provided GAO’s “observations” that the waivers were not rules under the CRA. Chairman Capito’s Environment and Public Works (EPW) Committee staff has circulated a document that outlines the flaws in GAO’s analysis and explains why Senate action on these resolutions is consistent with the CRA. That document can be found **here**. Majority Whip Barrasso and Senator Lee have published pieces in the *Wall Street Journal* that reinforce those points (see **here** and **here**), as have conservative legal scholars writing in the *Federalist* and the *Yale Journal on Regulation* (see **here** and **here**).

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