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Sent: Wed, 11 Jun 2025 20:32:38 +0000
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Subject: FW: Vote Summary - H.J. Res. 88 (California Car Waiver CRA)

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From: Joshua Bowlen <josh_bowlen@rpc.senate.gov>
Sent: Tuesday, May 20, 2025 12:06 PM
Subject: Vote Summary - H.J. Res. 88 (California Car Waiver CRA)

REPUBLICAN POLICY COMMITTEE

TUESDAY, MAY 20, 2025 AT 12:05 PM

Vote Summary - H.J. Res. 88, Providing congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to California State Motor Vehicle and Engine Pollution Control Standards; Advanced Clean Cars II; Waiver of Preemption; Notice of Decision

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.

- The first of those resolutions, **H.J. Res. 88**, would overturn California’s Advanced Clean Car (ACC) II regulation to mandate that by 2035, 100% of new passenger cars and light trucks sold must be zero-emission vehicles (ZEVs). That resolution is covered in this RPC vote summary.
- The other two resolutions, **H.J. Res. 87** and **H.J. Res. 89**, would overturn waivers for several California regulations to 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 a separate RPC vote summary, which can be viewed [here](#).

As the Congressional Research Service (CRS) [explains](#), the 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 the joint resolution requires a **simple majority**.

The House passed H.J. Res. 88 on May 1, 2025, on a bipartisan vote of **246-164**. **All House Republicans present and voting supported the resolution, as did 35 House Democrats from 19 different states (i.e., CA, ME, OH, GA, IL, OR, TX, KS, NC, AL, NY, NV, MI, FL, IN, WA, MS, NM, and VA).** Senator Capito has introduced a Senate companion, [S.J. Res. 45](#).

If enacted, H.J. Res. 88/S.J. Res. 45 would overturn a January 2025 midnight waiver that the Biden EPA gave to California permitting the state to implement its Advanced Clean Cars (ACC) II regulation. ACC II, which has also been [adopted](#) by the District of Columbia and 11 other states (i.e., CO, DE, MD, MA, NJ, NM, NY, OR, RI, VT, and WA), will require a rapidly increasing share of new passenger cars and light trucks sold in those states to be zero emission vehicles (ZEVs). For Model Year 2026, which automakers will begin to manufacture and deliver this year, 35 percent of new vehicles must be ZEVs. [By 2035, 100 percent of new vehicles sold in those states must be ZEVs.](#) Senator Capito has [stated](#) that [“California’s extreme EV mandate imposes unrealistic and stringent requirements, fails to meet the Clean Air Act’s requirements for a waiver, forces the hand of American consumers, and makes our country more reliant on China for critical minerals. The American people have made it clear that they want consumer choice – not an EV mandate.”](#)

The Trump White House has issued a [Statement of Administration Policy](#) (SAP) on the three California waiver CRAs (i.e., H.J. Res. 88, H.J. Res. 87, and H.J. Res. 89). 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 rules.

H.J. Res. 88/S.J. Res. 45 is supported by a wide range of stakeholders, including auto manufacturers and dealers, energy and agricultural producers, transportation providers, taxpayer, consumer, and conservative organizations, and small businesses.

The Trump administration has submitted the ACC II waiver and the waivers for California's heavy-duty truck regulations 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 items 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).

Click HERE to read the full vote summary.

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