

SJRES 38

A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Highway Administration relating to "Waiver of Buy America Requirements for Electric Vehicle Chargers".

Congress: 118 (2023–2025, Ended)

Chamber: Senate

Policy Area: Transportation and Public Works

Introduced: Jul 26, 2023

Current Status: Failed of passage in Senate over veto by Yea-Nay Vote. 50 - 47. Record Vote Number: 61.

Latest Action: Failed of passage in Senate over veto by Yea-Nay Vote. 50 - 47. Record Vote Number: 61. (Feb 29, 2024)

Official Text: <https://www.congress.gov/bill/118th-congress/senate-joint-resolution/38>

Sponsor

Name: Sen. Rubio, Marco [R-FL]

Party: Republican • **State:** FL • **Chamber:** Senate

Cosponsors (6 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Cramer, Kevin [R-ND]	R · ND		Jul 26, 2023
Sen. Marshall, Roger [R-KS]	R · KS		Jul 26, 2023
Sen. Scott, Rick [R-FL]	R · FL		Jul 26, 2023
Sen. Hawley, Josh [R-MO]	R · MO		Sep 5, 2023
Sen. Tillis, Thomas [R-NC]	R · NC		Oct 3, 2023
Sen. Ricketts, Pete [R-NE]	R · NE		Oct 30, 2023

Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Discharged From	Nov 7, 2023

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

Bill	Relationship	Last Action
118 HRES 947	Procedurally related	Jan 11, 2024: On agreeing to the resolution Agreed to by recorded vote: 211 - 202, 1 Present (Roll no. 5). (text: 01/10/2024 CR H25)

This joint resolution nullifies the final rule issued by the Federal Highway Administration (FHWA) titled *Waiver of Buy America Requirements for Electric Vehicle Chargers* and published on February 21, 2023. The rule temporarily waives the Buy America requirements for steel, iron, manufactured products, and construction materials in electric vehicle (EV) chargers.

FHWA defines an EV charger to mean the EV charger unit itself and the equipment contained inside it. EV charger housing components that are predominantly steel and iron are excluded from the waiver and must meet current FHWA Buy America requirements.

The FHWA final rule waives Buy America requirements for all EV chargers and components that are manufactured from the effective date of this waiver until June 30, 2024. Further, the final assembly must occur in the United States, and the installation must begin by October 1, 2024.

Beginning with EV chargers manufactured on July 1, 2024, the FHWA phases out waiver coverage for those previously covered EV chargers where the cost of U.S. manufactured components does not exceed 55% of the total components cost. (Under the Infrastructure Investment and Jobs Act, more than 55% of the components of manufactured goods must be obtained from U.S. manufacturers and sources.)

This waiver remains in place until terminated by the FHWA.

Actions Timeline

- **Feb 29, 2024:** Veto Message considered in Senate. (consideration: CR S1057-1058)
- **Feb 29, 2024:** Failed of passage in Senate over veto: Failed of passage in Senate over veto by Yea-Nay Vote. 50 - 47. Record Vote Number: 61.
- **Feb 29, 2024:** Failed of passage in Senate over veto by Yea-Nay Vote. 50 - 47. Record Vote Number: 61.
- **Jan 24, 2024:** Vetoed by President.
- **Jan 24, 2024:** Veto message received in Senate. Ordered held at the desk.
- **Jan 18, 2024:** Presented to President.
- **Jan 11, 2024:** Rule H. Res. 947 passed House.
- **Jan 11, 2024:** Considered under the provisions of rule H. Res. 947. (consideration: CR H77-82)
- **Jan 11, 2024:** Rule provides for consideration of H.R. 788, H.J. Res. 98 and S.J. Res. 38. The resolution provides for consideration of H.R. 788 under a structured rule, with one hour of general debate. The resolution provides for consideration of H.J. Res. 98 and S.J. Res. 38 under a closed rule, with one hour of general debate on each joint resolution. Also, the resolution provides for a motion to recommit on H.R. 788 and H.J. Res. 98. A motion to commit on S.J. Res. 38.
- **Jan 11, 2024:** DEBATE - The House proceeded with one hour of debate on S.J. Res. 38.
- **Jan 11, 2024:** The previous question was ordered pursuant to the rule.
- **Jan 11, 2024:** POSTPONED PROCEEDINGS - At the conclusion of debate on S.J. Res. 38, the Chair put the question on passage of the joint resolution and by voice vote announced that the ayes had prevailed. Mr. Graves (MO) demanded the yeas and nays and the Chair postponed further proceedings until a time to be announced.
- **Jan 11, 2024:** Considered as unfinished business. (consideration: CR H84-85)
- **Jan 11, 2024:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 209 - 198 (Roll no. 8). (text: CR H77)
- **Jan 11, 2024:** On passage Passed by the Yeas and Nays: 209 - 198 (Roll no. 8). (text: CR H77)
- **Jan 11, 2024:** Motion to reconsider laid on the table Agreed to without objection.
- **Jan 9, 2024:** Rules Committee Resolution H. Res. 947 Reported to House. Rule provides for consideration of H.R. 788, H.J. Res. 98 and S.J. Res. 38. The resolution provides for consideration of H.R. 788 under a structured rule, with one hour of general debate. The resolution provides for consideration of H.J. Res. 98 and S.J. Res. 38 under a closed rule, with one hour of general debate on each joint resolution. Also, the resolution provides for a motion to recommit on H.R. 788 and H.J. Res. 98. A motion to commit on S.J. Res. 38.
- **Nov 13, 2023:** Received in the House.
- **Nov 13, 2023:** Held at the desk.
- **Nov 9, 2023:** Message on Senate action sent to the House.
- **Nov 8, 2023:** Passed/agreed to in Senate: Passed Senate without amendment by Yea-Nay Vote. 50 - 48. Record Vote Number: 303.(consideration: CR S5416-5418, S5421-5422; text: CR S5422)
- **Nov 8, 2023:** Passed Senate without amendment by Yea-Nay Vote. 50 - 48. Record Vote Number: 303. (consideration: CR S5416-5418, S5421-5422; text: CR S5422)
- **Nov 7, 2023:** Senate Committee on Environment and Public Works discharged, by petition, pursuant to 5 U.S.C. 802(c).
- **Nov 7, 2023:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 238.
- **Sep 26, 2023:** Star Print ordered on the joint resolution.
- **Jul 26, 2023:** Introduced in Senate
- **Jul 26, 2023:** Read twice and referred to the Committee on Environment and Public Works.