

Summary of GAO's Flaws

It is proper for Congress to consider legislation under the CRA to revoke California's waivers because:

- 1) California's rules hold the same stature as a federal regulation once EPA issues a waiver, and it is not disputed that rules can be considered under the CRA;
- 2) GAO has no statutory authority to bind Congress with its opinions and concedes that "Our regular practice is to issue decisions on actions that agencies have **not** submitted to Congress" (emphasis added); and
- 3) GAO's non-binding opinion omitted any analysis that California's rules also apply to 11 other states that have adopted its ban on new gas vehicles, and all 50 states will be affected by such a ban. California's ban on gas vehicles will limit consumer choice and result in higher car prices for all Americans, not just those in the affected states.