

methane, 12,000 more tons of VOCs, and 400 more tons of hazardous air pollutants by 2030. 85 Fed. Reg. at 57,065.

EPA also included in the Rescission Rule a new hurdle for limiting pollution under section 111(b) of the Clean Air Act: to adopt emission limits on any additional pollutant for sources already regulated under section 111(b), EPA must make a pollutant-specific “significant contribution” finding. See 85 Fed. Reg. at 57,019. This new obstacle contravenes EPA’s longstanding position that the agency may require emission limits for other pollutants from already-listed sources provided it demonstrates a rational basis for doing so, and creates an unjustified roadblock making it more difficult for EPA to carry out its mission to protect public health and the environment. The D.C. Circuit Court of Appeals recently vacated a related EPA rule that sought to implement EPA’s new significant contribution finding requirement, further undermining this theory.

As noted above, the Rescission Rule would result in significant increases in emissions from new oil and gas facilities. These pollution increases are just part of the story, however, because the rule also blocks Clean Air Act regulation of existing oil and gas facilities—facilities that collectively emit substantial amounts of methane pollution. Under the Clean Air Act, there must be pollutant emission standards in effect for new facilities under section 111(b) of the Act to trigger the requirement under section 111(d) of the Act for EPA to promulgate emission guidelines that facilitate states’ developing plans that limit emissions of the same pollutant from existing facilities.

EPA is required under its regulations to issue existing source emission guidelines “upon or after promulgation” of standards for new facilities, 40 C.F.R. 60.22a(a). Although EPA did not issue the guidelines in 2016 when it finalized the previous new source rule, it began work that year to “swiftly” develop guidelines to limit methane emissions from existing sources. That work ground to a halt shortly after the Trump Administration took office, leading a group of our States to sue EPA in on the grounds that it had unreasonably delayed issuance of the emission guidelines, *New York v. EPA* (D.D.C. No. 18-773). In that litigation, EPA contended that it could not be compelled to issue the guidelines because it was in the process of eliminating its statutory obligation to regulate methane from existing sources, a process that culminated in the Rescission Rule.

Significantly, the Rescission Rule was opposed by a wide range of stakeholders, from independent domestic companies such as Jonah Energy and Pioneer Natural Resources to the largest oil and gas companies such as BP, Shell, and ExxonMobil. These industry leaders support the direct regulation of methane from oil and natural gas facilities because it is the right thing to do for the environment, will lead to consistent regulation across the U.S., and can be cost-effectively achieved.

#### THE DISAPPROVAL RESOLUTIONS

Pursuant to the CRA, enacting the disapproval resolutions, once signed by the President, results in the subject rule “being treated as though such rule had never taken effect.” 5 U.S.C. 801(f). Here, by restoring the 2016 rule’s emission standards for new facilities and paving the way for EPA to facilitate state regulation of methane from existing facilities, passing the disapproval resolutions under the CRA would result in substantial public health, environmental, and economic benefits. According to EPA, the 2016 rule was expected to reduce 510,000 tons of methane,

210,000 tons of VOCs, and 3,900 tons of hazardous air pollutants in 2025 alone. 81 Fed. Reg. at 35,827. Between the health benefits of the 2016 rule and the increased revenues that operators would realize from recovering natural gas that would otherwise be released, EPA determined that the 2016 rule would result in a net benefit of \$170 million in 2025. *Id.* at 35,827–28.

Enacting the disapproval resolutions would also help EPA promptly fulfill its obligation to develop emission guidelines that states can use to craft plans to limit methane from existing sources. Had EPA continued on the path it began in 2016, those guidelines would have been issued some time ago and states would now be implementing them. Although Congress cannot turn back the clock, it can take action now that gives EPA clear direction to promptly discharge its overdue statutory duty to limit emissions from these existing, polluting facilities.

Finally, passing the disapproval resolutions would not risk invalidating any subsequent regulations pursuant to the CRA’s “substantially the same” language. See 5 U.S.C. 801(b)(2) (prohibiting a “new rule that is substantially the same as the [disapproved] rule” unless specifically authorized by Congress). The Trump EPA acknowledged that the Rescission Rule is a “deregulatory action.” 85 Fed. Reg. at 57,067. As discussed above, it (1) eliminates direct regulation of methane from new facilities (removing the predicate for state regulation of existing facilities pursuant to section 111(d) of the Clean Air Act), (2) repeals methane and VOC limits on new facilities in the transmission and storage sector, and (3) creates a new legal requirement for EPA to regulate additional pollutants from already-listed source categories under section 111.

Disapproving the Rescission Rule thus would restore the provisions in the 2016 rule that directly regulated methane and VOCs from sources in the transmission and storage sector, and would reinstate EPA’s legal interpretation permitting regulation of additional pollutants from already-listed sources. Accordingly, disapproval of the rule would not stand in the way of EPA using its statutory authority in the future to promulgate more protective standards for new facilities under section 111(b) of the Clean Air Act and more protective emission guidelines for existing facilities under its section 111(d). Indeed, it would be absurd to contend that a CRA resolution disapproving a purely “deregulatory action” would bar a protective future regulation under the statute’s “substantially the same” language.

We urge the Senate and the House to promptly pass the CRA resolutions disapproving the Rescission Rule. Thank you for your consideration of this important matter.

Sincerely,

Letitia James, Attorney General of New York; Matthew Rodriguez, Acting Attorney General of California; Philip J. Weiser, Attorney General of Colorado; William Tong, Attorney General of Connecticut; Kathleen Jennings, Attorney General of Delaware; Kwame Raoul, Attorney General of Illinois; Tom Miller, Attorney General of Iowa; Aaron M. Frey, Attorney General of Maine; Brian E. Frosh, Attorney General of Maryland; Maura Healey, Attorney General of Massachusetts; Dana Nessel, Attorney General of Michigan; Keith Ellison, Attorney General of Minnesota; Gurbir S. Grewal, Attorney General of New Jersey.

Hector Balderas, Attorney General of New Mexico; Josh Stein, Attorney General of North Carolina; Ellen Rosenblum, Attorney General of Oregon; Josh Shapiro, Attorney General of Pennsylvania; Peter Neronha, Attorney General of Rhode Island; T.J. Dono-

van, Attorney General of Vermont; Bob Ferguson, Attorney General of Washington; Karl Racine, Attorney General for the District of Columbia; Celia Meza, Acting Corporation Counsel for the City of Chicago; Kristin M. Bronson, Attorney for the City and County of Denver.

#### ADDITIONAL STATEMENTS

##### REMEMBERING DAVID SOULES

● Mr. HEINRICH. Madam President, David Soules was one of the kindest people you could ever meet. His easy laugh and infectious enthusiasm was always such a welcome presence, especially on excursions onto his favorite southern New Mexico public lands. I will always treasure the way David could put his “engineer’s brain” to work, diving into complex problems and looking for solutions, from public access and wildlife habitat restoration to the siting of transmission lines. He was also a real listener, with a rare appetite to always learn something new. David always had time to sneak away to a quiet corner to compare notes, share thoughts, and strategize about how to make something better.

The decade-plus-long, community-driven effort to establish the Organ Mountains Desert Peaks National Monument was successful because of so many different people. But it is truly impossible to imagine it happening without David Soules. David knew every inch of the Organ Mountains-Desert Peaks, and his methodical documentation of historical places, artifacts, and unique Chihuahuan desert ecosystems was instrumental in qualifying the area for monument designation. The National Monument and the 10 new Wilderness Areas that are now protected forever within it will endure as an everlasting gift from David to all of us.

David held a doctorate in mechanical engineering and became nationally recognized expert in the field of imaging through turbulence during his career spanning over 37 years at White Sands Missile Range. During that same time, David became a lifelong sportsman and champion for wildlife, serving on the New Mexico Game and Fish Commission, coauthoring the “Exploring Organ Mountains-Desert Peaks National Monument” guidebook, serving as a member and supporter of numerous nongovernmental sportsmen’s and conservation organizations, including on the boards of New Mexico Wild and the White Sands Missile Range Historical Foundation.

David Soules was a dear friend and an incredible mentor to my boys. I am thinking of his wife, Nancy, their two sons, Kevin and Keith, their grandchildren, and all those who knew, loved, and will forever miss David. Whenever I am hunting mule deer or javelina in southern New Mexico, I will remember David and all he did to protect the wildlife and wild places that I hold dear. ●

TRIBUTE TO BRIAN CUCCIAS

• Mr. WICKER. Madam President, today I honor a visionary leader whose years at the helm of Ingalls Shipbuilding have left a profound impact on the State of Mississippi and on the national security posture of the United States. I have had the pleasure of associating with Mr. Brian Cuccias both personally and professionally over many years.

As president of Ingalls Shipbuilding, Mr. Cuccias led the largest manufacturing employer in Mississippi. Located near Brian's hometown of Biloxi, the Pascagoula shipyard sits on 800 acres of land along the Pascagoula River. With 11,500 employees, Ingalls is the largest supplier of U.S. Navy surface combatants and has built nearly 70 percent of the current fleet of Navy warships.

Mr. Cuccias began his career at Ingalls in 1979, when he joined Litton Data Systems, which was then a major division of Litton Industries, then owner of what is today Ingalls Shipyard. He served as a financial analyst for several Navy programs, including amphibious assault ships and *Spruance* and *Kidd*-class destroyers. Since then, he has held a number of positions of increasing responsibility, including assistant to the group vice president of Avondale industries; sector vice president for material for Northrop Grumman Ship Systems; program manger and vice president for Northrop Grumman's DDG 1000 program; and vice president for surface combatants for Northrop Grumman Shipbuilding.

Mr. Cuccias left his mark on both the shipbuilding industry and Navy surface combatant programs. Universally recognized for his superb leadership, business acumen, and commitment to maritime security, his 2014 appointment as president of Ingalls Shipbuilding came as no surprise to those of us who knew him. During his tenure, Ingalls has continued to set the standard for shipbuilding excellence, delivering five national security cutters to the Coast Guard, along with two *America*-class amphibious assault ships and two *San Antonio*-class amphibious transport docks to the Navy. Additionally, Mr. Cuccias oversaw the reactivation of the *Arleigh Burke*-class production line, delivering four guided missile destroyers to the Navy after a 5-year hiatus. As he departs, he leaves the shipyard in perhaps its strongest position ever, with 13 ships in various stages of production.

Mr. Cuccias has left an indelible impact on the Ingalls workforce. He spearheaded numerous investments in the health and safety of shipyard employees and their families. In 2015, Ingalls dedicated a Family Health Center in Gautier, MS a full-service health care facility for employees, dependents, and retirees covered by the shipyard's health care plans. As part of a \$600 million 4-year upgrade to build the Shipyard of the Future, he supervised the installation of covered, environ-

mentally controlled facilities to protect workers from the elements—again prioritizing the health of the Ingalls workforce.

Always active in his community, Mr. Cuccias served on the executive committee and board of directors for the Mississippi Gulf Coast Business Council, as well as on the boards of directors for the Mississippi Economic Council, the Mississippi Partnership for Economic Development, the Jackson County Economic Development Foundation, and the Salvation Army of Mobile, AL. In 2018, he was honored as one of the Top CEOs in Mississippi by the Mississippi Business Journal.

I want to express my deep gratitude and appreciation to Brian Cuccias for his outstanding leadership in Mississippi and for his unwavering support for the missions of the U.S. Navy. As he departs Ingalls for retirement, I wish him and his family "fair winds and following seas." •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL MESSAGE

ADDRESS BY THE PRESIDENT DELIVERED TO A JOINT SESSION OF CONGRESS ON APRIL 28, 2021—PM 8

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was which was ordered to lie on the table:

*To the Congress of the United States:*

Madam Speaker. Madam Vice President. No President has ever said those words from this podium, and it's about time. The First Lady. The Second Gentleman. Mr. Chief Justice. Members of the United States Congress and the Cabinet. My fellow Americans.

While the setting tonight is familiar, this gathering is very different—a reminder of the extraordinary times we are in.

Throughout our history, Presidents have come to this chamber to speak to the Congress, to the Nation, and to the world.

To declare war. To celebrate peace. To announce new plans and possibilities.

Tonight, I come to talk about crisis—and opportunity. About rebuilding our Nation—and revitalizing our democracy. And winning the future. For America.

As I stand here tonight—just one day shy of the 100th day of my Administration. 100 days since I took the oath of office—lifted my hand off our family Bible—and inherited a nation in crisis. The worst pandemic in a century. The worst economic crisis since the Great Depression. The worst attack on our democracy since the Civil War.

Now—after just 100 days I can report to the Nation: AMERICA IS ON THE MOVE AGAIN.

Turning peril into possibility. Crisis into opportunity. Setback into strength. Life can knock us down. But in America—we never stay down. In America—we always get up.

And today—that's what we're doing: America is rising anew.

Choosing hope over fear. Truth over lies. Light over darkness.

After 100 days of rescue and renewal, America is ready for takeoff.

We are working again. Dreaming again. Discovering again. Leading the world again.

We have shown each other—and the world: There is no quit in America.

100 days ago, America's house was on fire. We had to act.

And thanks to the extraordinary leadership of Speaker PELOSI and Majority Leader SCHUMER—

And with the overwhelming support of the American people—Democrats, Independents, and Republicans—we did act.

Together—we passed the American Rescue Plan. One of the most consequential rescue packages in American history.

We're already seeing the results.

After I promised 100 million COVID-19 vaccine shots in 100 days—we will have provided over 220 million COVID shots in 100 days. We're marshalling every Federal resource. We've gotten the vaccine to nearly 40,000 pharmacies and over 700 community health centers.

We're setting up community vaccination sites and are deploying mobile units into hard-to-reach areas.

Today, 90% of Americans now live within 5 miles of a vaccination site.

Everyone—over the age of 16—everyone—is now eligible and can get vaccinated right away.

So, get vaccinated now.

When I was sworn in, less than 1% of seniors were fully vaccinated against COVID-19.

100 days later, nearly 70% of seniors are fully protected.

Senior deaths from COVID-19 are down 80% since January. Down 80%. And, more than half of all adults in America have gotten at least one shot.

At a mass vaccination center in Glendale, Arizona, I asked a nurse what it's like. She looked and said every shot feels like a dose of hope.

A dose of hope for the educator in Florida who has a child who suffers from an auto-immune disease. She