

USCG personnel in many ways. Quality-of-life initiatives, discounts, and sponsorships enrich the lives of Coast Guard servicemembers and families. The city integrates both Active-Duty and retired personnel into the fabric of all aspects of the community—business, education, and leisure. Parades, battle reenactments, and festivals celebrating the Coast Guard's presence are a Key West staple.

I am honored to celebrate this distinction for the City of Key West, and I also thank USCG Commandant Admiral Linda Fagan for her service to the Key West community. This designation reflects the deep, enduring relationship between the city and the U.S. Coast Guard. May that relationship continue to flourish for many decades to come.

HONORING UNITED WAY OF SUMNER COUNTY

HON. JOHN W. ROSE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 2022

Mr. ROSE. Madam Speaker, today I rise to honor the tremendous work done by the volunteers, employees, donors, and other advocates of the United Way of Sumner County.

For 45 years, the United Way of Sumner County has worked to improve the lives of others by mobilizing the caring power of communities to advance the common good. They serve as the hub of a network that connects givers, advocates, and volunteers with local businesses, schools, government, and human service programs to make lives better and our community stronger. It takes a connected community to thrive, and that is exactly what the United Way of Sumner County strives to achieve.

Their focus on education, financial stability, health, and rebuilding lives empowers every individual to achieve their full potential where it matters most—right here in Sumner County. This mindset leads them to invest in initiatives like the United for ALICE program, which aims to serve as a driver of innovation, research, and action to improve the lives of those across the county for Asset Limited, Income Constrained, Employed individuals, or ALICE individuals, as they are known. Through the development of the ALICE metrics for measuring financial hardship, a comprehensive, unbiased picture emerges to help match the proper assistance with the proper recipients.

On August 11, 2022, the United Way of Sumner County will host a Community Impact Breakfast to celebrate and honor their partner agencies, donors, volunteers, and advocates who help improve the lives of people in Sumner County through their involvement and work at United Way of Sumner County.

This event, along with many others throughout the year, is just one example of the work they do to better our community and the people living within it. I encourage all my fellow Tennesseans to find a way to get involved with their local chapter of United Way, and there is no better chapter to engage with than the United Way of Sumner County.

The United Way of Sumner County embodies the spirit of the Volunteer State. I could not be prouder of these individuals who dedicate their efforts to improving the community in Sumner County, Tennessee, and I am ex-

tremely thankful for the opportunity to recognize them today.

I thank Sumner County for all it does and may God continue to bless its incredible work.

HONORING VIRGINIA LODMELL

HON. ANDY BARR

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 2022

Mr. BARR. Madam Speaker, I rise to honor the life of a patriotic American, Mrs. Virginia Mae Hudson Lodmell, on the occasion of her 100th birthday. Mrs. Lodmell lives in Frankfort, Kentucky.

Mrs. Lodmell was born in southern West Virginia on August 17, 1922. She graduated from Woodrow Wilson High School in Beckley and attended Beckley College. Wanting to support America's war effort when World War II started, she went to work in an ammunition plant in Maryland. On December 18, 1943, she enlisted in the WAVES. Following basic training in New York, Mrs. Lodmell was assigned to Norman, Oklahoma, as an Aviation Mechanist Mate where she worked as an airplane mechanic. She also taught classes on radar. She was discharged on November 2, 1945, as a 3rd Class Petty Officer.

Following the war, she married Russell Carl Lodmell. They lived on a farm in Minnesota for several years then returned to West Virginia. She worked at a Montgomery Ward's store until her retirement. Mrs. Lodmell has three sons, John, Joe, and Jim; nine grandchildren; and 27 great-grandchildren. She is a member of the United Methodist Church in Versailles.

It is my honor to recognize Mrs. Lodmell, celebrate her 100th birthday and thank her for her service and sacrifice to our Nation during World War II. As a part of the Greatest Generation, Mrs. Lodmell and her fellow soldiers were a part of the war effort to preserve the freedoms that we enjoy today, and we can never thank them enough. I am forever grateful for Americans like Virginia Lodmell.

RECOGNIZING THE 40TH ANNIVERSARY OF THE ALLEN FAIRVIEW CHAMBER OF COMMERCE

HON. VAN TAYLOR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 2022

Mr. TAYLOR. Madam Speaker, today, I rise to recognize the Allen Fairview Chamber of Commerce as they celebrate their 40th Anniversary of excellence, while applauding their mission to advocate, educate and build business relationships that enable our communities and its members to prosper.

Formed in the early 1960s from the roots of the original Downtown Business Association, Don Rodenbaugh served as the organization's first president. The Chamber would not be incorporated until 1982 for the purpose of advancing the general welfare and prosperity of the city of Allen and the Collin County area through economic, civic, commercial, cultural, industrial, and educational interests of the area and its citizens.

In an effort to further their reach and grow new enterprises, in 2010 the Chamber ex-

panded to include businesses in the Town of Fairview, legally becoming the modern-day Allen Fairview Chamber of Commerce.

Today, the Chamber has increased their membership to nearly 600, including a full-time staff of four, a board of directors made up of fifteen individuals from their general membership, and six ex-officio members including the city manager, school superintendent, county commissioner, economic development director, executive director of the small business development center, and their attorney of record.

The membership of the Allen Fairview Chamber of Commerce, under the leadership of longtime Chief Executive Officer, Sharon Mayer, have invested their time and resources to ensure our community truly remains the best place to live, work and raise a family. Through it all, this organization has played a pivotal role in shaping the landscape of our Collin County business community and bolstering the entrepreneurial spirit that served as the backbone of our region.

Now as we recognize the Allen Fairview Chamber of Commerce on this milestone occasion, I ask my colleagues in the House of Representatives to join me in honoring their forty years of exemplary service and wish them great success as they continue their important work.

THRIFTY FOOD PLAN

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 2022

Mr. DAVID SCOTT of Georgia. Madam Speaker, I include in the RECORD the following letter from the Government Accountability Office.

UNITED STATES DEPARTMENT OF AGRICULTURE—APPLICABILITY OF THE CONGRESSIONAL REVIEW ACT TO THE 2021 UPDATES TO THE THRIFTY FOOD PLAN

DECISION

Matter of: United States Department of Agriculture—Applicability of the Congressional Review Act to the 2021 Updates to the Thrifty Food Plan.

File: B-333732.

Date: July 28, 2022.

DIGEST

The United States Department of Agriculture (USDA) issued a document entitled Thrifty Food Plan, 2021 (2021 TFP). The 2021 TFP updates the market baskets used to determine the value of Supplemental Nutrition Assistance Program (SNAP) benefits to purchase food from retail stores.

The Congressional Review Act (CRA) requires that before a rule can take effect, an agency must submit the rule to both the House of Representatives and the Senate as well as the Comptroller General, and provides procedures for congressional review where Congress may disapprove of rules. We conclude the 2021 TFP meets the definition of a rule under the CRA and no CRA exception applies. Therefore, the 2021 TFP is subject to the requirement that it be submitted to Congress.

DECISION

On August 16, 2021, the United States Department of Agriculture (USDA) issued a document entitled Thrifty Food Plan, 2021 (2021 TFP). USDA, Thrifty Food Plan, 2021

(August 2021), available at <https://FNS.usda.gov/TFP> (last visited Jul. 12, 2022). We received a request for a decision as to whether the 2021 TFP is a rule for purposes of the Congressional Review Act (CRA). Letter from Senator Tillis to the Comptroller General (Oct. 27, 2021). For the reasons discussed below, we conclude that the 2021 TFP is a rule and thus subject to the submission requirement of CRA.

Our practice when rendering decisions is to contact the relevant agencies to obtain their legal views on the subject of the request. GAO, *Procedures and Practices for Legal Decisions and Opinions*, GAO-06-1064SP (Washington, D.C.: Sept. 2006), available at <https://www.gao.gov/products/gao-06-1064sp>. Accordingly, we reached out to USDA to obtain the agency's legal views. Letter from Managing Associate General Counsel, GAO, to General Counsel, USDA (Dec. 15, 2021). We received USDA's response on February 11, 2022. Letter from Associate General Counsel, USDA, to Managing Associate General Counsel, GAO (Feb. 11, 2022) (Response Letter).

BACKGROUND

Thrifty Food Plan

The Thrifty Food Plan is defined by the Food and Nutrition Act of 2008 as a diet required to feed a family of four persons. See 7 U.S.C. § 2012(u). The Act uses the cost of this diet as the basis for allotments to households regardless of their actual size. *Id.* These allotments take the form of Supplemental Nutrition Assistance Program (SNAP) benefits to purchase food from retail stores. See 7 U.S.C. § 2013. In order for a household to qualify for SNAP benefits its gross income cannot exceed the poverty line. See 7 U.S.C. § 2014(c).

The 2018 Farm Bill amended the Thrifty Food Plan to require USDA to "re-evaluate and publish the market baskets of the thrifty food plan based on current food prices, food composition data, consumption patterns, and dietary guidance" by 2022 and at 5-year intervals thereafter. Agriculture Improvement Act of 2018 (2018 Farm Bill), Pub. L. No. 115-334, title IV, § 4002, 132 Stat. 4490, 4624 (Dec. 20, 2018). On August 16, 2021, USDA published the 2021 TFP. USDA, *Thrifty Food Plan, 2021* (August 2021), available at <https://FNS.usda.gov/TFP> (last visited Jul. 12, 2022). The 2021 TFP is the USDA update to the TFP market baskets required by the 2018 Farm Bill.

The 2021 TFP describes the approach and methods used in reevaluating the Thrifty Food Plan. Prior to the 2021 reevaluation, the market basket prices were last updated in 2006. 2021 TFP at 30. The result of the 2021 reevaluation is that the monthly cost of a market basket for the reference family of four is \$835.57. 2021 TFP at 34. This represents an increase of \$145.19 (in 2021 dollars) from the previous market basket price. See *id.* at 34-35. The changes to the maximum SNAP benefit allotments based on the 2021 TFP were effective beginning October 1, 2021. 2021 TFP at 51.

The Congressional Review Act

CRA, enacted in 1996 to strengthen congressional oversight of agency rulemaking, requires federal agencies to submit a report on each new rule to both houses of Congress and to the Comptroller General for review before a rule can take effect. 5 U.S.C. § 801(a)(1)(A). The report must contain a copy of the rule, "a concise general statement relating to the rule," and the rule's proposed effective date. *Id.* An agency can find for good cause that notice and public procedure are impracticable, unnecessary, or contrary to the public interest and the rule will then take effect at a time the agency determines. 5 U.S.C. § 808(2). Each house of Congress is to

provide the report on the rule to the chairman and ranking member of each standing committee with jurisdiction. 5 U.S.C. § 801(a)(1)(C). CRA allows Congress to review and disapprove rules issued by federal agencies for a period of 60 days using special procedures. See 5 U.S.C. § 802. If a resolution of disapproval is enacted, then the new rule has no force or effect. 5 U.S.C. 801(b)(1).

CRA adopts the definition of rule under the Administrative Procedure Act (APA), 5 U.S.C. § 551(4), which states that a rule is "the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency." 5 U.S.C. § 804(3). CRA excludes three categories of rules from coverage: (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. *Id.*

USDA did not submit a CRA report to Congress or the Comptroller General on the 2021 TFP. In its response to us, USDA stated the 2021 TFP was not subject to CRA because it was not a rule within the meaning of the APA or CRA. Response Letter, at 3-4. USDA also stated that it met the good cause exception under the CRA, and, thus, was not subject to the CRA's submission requirements. See *id.* at 7-8. For the reasons explained below, we conclude that the 2021 TFP is a rule under the CRA, does not meet any of the exceptions that would exclude the rule from coverage, and is, therefore, subject to the submission requirement of CRA.

ANALYSIS

To determine whether the 2021 TFP is a rule subject to review under CRA, we first address whether the 2021 TFP meets the APA definition of a rule. As explained below, we conclude that it does. The next step, then, is to determine whether any of the CRA exceptions apply. We conclude that they do not.

The 2021 TFP meets the APA definition of a rule upon which the CRA relies. First, the 2021 TFP is an agency statement as it was issued by USDA to update market basket prices that were last revised in 2006. See 2021 TFP at I. Second, the 2021 TFP is of future effect, as it provides guidance for new market basket prices on which SNAP benefits will be based going forward, effective October 1, 2021. *Id.* at 51. See B-316048, Apr. 17, 2008 (finding that an agency action was of future effect because the action was prospective in nature since it was concerned with policy considerations for the future rather than the evaluation of past or present conduct). Finally, the 2021 TFP is designed to implement, interpret, or prescribe law or policy as it implements the new market baskets as required by the Food and Nutrition Act of 2008 and the 2018 Farm Bill. 2021 TFP at 4-6.

In its Response Letter, USDA asserts the 2021 TFP is exempt from the APA's rule making provisions because it relates to agency management and benefits, and, consequently, it is not a rule. Response Letter at 4. We disagree with this rationale. Specifically, USDA notes that the APA requires notice and comment for all rules "except to the extent that there is involved . . . a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts." [Emphasis removed.] Response Letter, at 4 (quoting 5 U.S.C. § 553(a)(2)). USDA argues that "evaluating market baskets based on current food prices is a matter relating to 'agency management' of [] SNAP and relates to SNAP 'benefits.'" Response Letter, at 4. However, the language USDA cites in 5 U.S.C. § 553(a)(2) pertains to an ex-

ception to the APA's rule making process, not to the definition of a rule. Even assuming the 2021 TFP is exempt from the APA's notice and comment requirement, that does not mean it is not a rule as defined by 5 U.S.C. § 551(4). See B-323772, Sept. 4, 2012 (noting the CRA is intended to include within its purview, almost all rules that an agency issues, not only those that must be promulgated according to the APA's notice and comment requirements). It should also be noted that 7 U.S.C. § 2013(c) specifically directs USDA to promulgate regulations related to SNAP "in accordance with the procedures set forth in section 553 of title 5." As discussed, the 2021 TFP is an agency statement of future effect designed to implement policy, and, therefore, meets the definition of a rule.

USDA contends that Congress did not require the 2021 TFP to be issued as a rule because Congress did not specifically require the 2021 TFP to be subject to CRA. Response Letter, at 5. We disagree with this interpretation of CRA. We conduct our analysis under CRA which requires all rules to follow the procedures outlined in 5 U.S.C. § 801. All rules are subject to the procedures required by CRA, whether or not Congress specifically requires it, before they can take effect. 5 U.S.C. § 801.

USDA also argues that Congress had constructive notice that the 2021 TFP would increase SNAP benefits and, as a result, USDA was not required to provide formal CRA notice to Congress. Response Letter, at 5-7. However, constructive notice is not an exception to CRA notice procedures. As discussed above, CRA is a method of congressional oversight of agency rulemaking. CRA requires agencies to submit a report to Congress about the rule. 5 U.S.C. § 801(a)(1)(A). The submission of this report initiates the congressional review process which can lead to Congress disapproving a rule. 5 U.S.C. § 801(b)(1). It is the report that triggers the CRA review process. As a result, constructive notice of a rule is not the same as submitting a formal report as required by CRA. While there are exceptions for waiving a delay in the effective date of a rule, 5 U.S.C. § 808, there are no exceptions for submitting a report.

Having concluded that the 2021 TFP meets the APA definition of a rule, we now turn to whether any of the three CRA exceptions apply. We also address USDA's argument that the good cause exception provides an exemption from the CRA's submission requirement. As explained below, we conclude they do not.

First, the 2021 TFP is not a rule of particular applicability. Rules of particular applicability are addressed to specific, identified entities. See Administrative Conference of the United States, *Miscellaneous Statements*, 39 Fed. Reg. 4846, 4849 (Feb. 7, 1974) (explaining that a rule of general applicability is one with an open class but a rule of particular applicability is limited to those named). The 2021 TFP applies to all families whose income falls below the poverty line and is not addressed to specific, identified entities. Therefore, it is a rule of general applicability and not a rule of particular applicability.

Second, this is not a rule relating to agency management or personnel. A rule relates to agency management or personnel if it applies to agency employees and not to outside parties. See e.g. B-331324, Oct. 22, 2019 (determining that 5 U.S.C. § 804(3)(b) does not apply when the rule deals with actions a bank should take and not agency management or personnel). The 2021 TFP deals with the amount of SNAP benefits for qualifying families and, the market basket costs in the 2021 TFP apply broadly to the contiguous 48 states and the District of Columbia.

Finally, the 2021 TFP substantially impacts the rights of non-agency parties because it has an effect on qualifying families by granting increased benefit allotments designed for them to obtain a more nutritious diet.

USDA contends the 2021 TFP meets the good cause exception under the CRA, and, therefore, USDA was not required to follow the CRA's submission requirements. Response Letter, at 7-8. In its response USDA stated that good cause existed to issue the 2021 TFP with an effective date in August 2021. Id. at 8. USDA further stated that this exception from carrying out formal CRA notice before the effective date. Id. While CRA does not provide an emergency exception from its procedural requirements to submit rules for congressional review, CRA and APA address an agency's need to take emergency action without delay. Agencies can waive the required delay in effective date requirement when an agency for "good cause" finds (and incorporates the finding and a brief statement of reasons in the rule issued) that notice and public procedure are "impracticable, unnecessary, or contrary to the public interest." 5 U.S.C. §§ 553(b), 808(2). Therefore, an agency can provide for a rule to take effect immediately while still complying with the agency's statutory obligation to submit the rule to Congress for review. Asserting a good cause exception does not serve to waive the CRA's submission requirements all together. Notably, the 2021 TFP did not incorporate a finding or statement of the reasons why there is good cause for an exception to the CRA's procedural rules to submit the 2021 TFP for congressional review, nor did the 2021 TFP include an immediate effective date. Therefore, USDA did not properly apply the good cause exception.

Thus, we conclude that none of the three exceptions that would exclude the rule from CRA coverage, or the good cause exception apply, and the 2021 TFP is subject to the submission requirement of CRA.

CONCLUSION

The 2021 TFP is a rule for purposes of CRA because it meets the APA definition of a rule and no CRA exception applies. Therefore, even if exempt from the APA notice-and-comment requirements, the 2021 TFP is subject to the CRA requirement that it be submitted to Congress before it can take effect.

EDDA EMMANUELL PEREZ,
General Counsel.

COMMEMORATING THE 50TH ANNIVERSARY OF ILLINOIS CORN GROWERS ASSOCIATION

HON. DARIN LAHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 2022

Mr. LAHOOD. Madam Speaker, I am proud to honor the Illinois Corn Growers Association (ICGA) on their 50th Anniversary. The Illinois Corn Growers Association is a vital organization in our state that works to support the agricultural economy and advocate public policies that help promote success and sustainability for farmers across Illinois.

Illinois farmers are leaders in the production of corn. The ICGA has united farm families since 1972 to increase market opportunities for corn domestically and around the world. The ICGA provides a voice for farmers in Illinois to help promote best practices in the industry and foster stewardship of the land. The

association also educates the public and coordinates policies that advance the biofuels industry and drives innovation in how we produce and use corn throughout the world.

I extend my sincere congratulations to ICGA members for their achievements over the years. Agriculture is the number one industry in Illinois. Advocacy groups like ICGA have helped shape the industry into what it is today and will help lead the industry into the future. I wish the organization many more years of success.

HONORING THE LIFE AND LEGACY OF ANDREW "ANDY" TENORIO LAGUAÑA

HON. MICHAEL F.Q. SAN NICOLAS

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 2022

Mr. SAN NICOLAS. Madam Speaker, I rise today to honor the life and legacy of Andrew "Andy" Tenorio Lagaña. Andy was an esteemed architect, preservationist, and advocate who uniquely elevated the stories of our people while physically raising and transforming countless spaces in our community. We will fondly remember him as a talented visionary whose ideas, work, and art have meaningfully shaped the face and future of our island.

Andy was a pioneering force of CHamoru architecture, engineering, design, construction, conception, site planning, and historic preservation. After graduating from Father Duenas Memorial School in 1968, he went on to earn both a bachelor's and master's degree in architecture from Iowa State University and the University of California Berkeley respectively, later emerging as part of the first generation of island-born architects from Guam. Establishing a respected career and professional record over the years, Andy registered as an architect in both California and Guam, obtained certification from the National Council of Architectural Registration Boards, and navigated many professional opportunities at the culmination of his formal education. From 1975 to 1989, Andy assumed roles as Senior Project Designer and Vice President of Hellmuth, Obata, Kassabaum Architects in San Francisco. He then returned home to serve as Principal and Partner of Martin, Cristobal, Lagaña Architects then Architects Lagaña & Cristobal, LLC, and finally, as Principal and Owner of Architects Lagaña from 2009 until the date of his passing on July 14, 2022.

With over 45 years of experience, Andy's creativity and contributions reached far and wide—spanning the entirety of our island and region, and impacting populations across the Pacific. Over the decades, his demonstrated focus on large-scale government, office, and commercial building projects catalyzed the realization of remarkable architectural achievements including the new construction, renovation, and revitalization of John F. Kennedy High School, the Southern Regional Community Health Center, Saint Fidelis Friary, the GWA Compliance Laboratory, Farmers' Cooperative Facility and relocation of the Flea Market, our capital city of Hagåtña, Cathedral, University of Guam, and the prominent Guam Museum. His leadership informed and defines our island's building environment through

years of hands-on guidance to other professionals in his field, advocacy to update Guam's Building Code and adopt the International Conference of Building Officials (ICBO) International Code, and tireless commitment to honoring unique aspects of our indigenous culture. More specifically, Andy played a key role in both the preservation of endangered sites and promotion of ethnography and oral history projects.

A longstanding pillar in our community, Andy further served in numerous organizational capacities as chairman of the Guam Preservation Trust and Guam Historic Preservation Review Board, member and chairman of the Professional Engineers, Architects, and Land Surveyors (PEALS) Board, member of the University of Guam Board of Regents, representative of the National Architectural Accrediting Board Accreditation Team, and board member of the Young Men's League (YML) of Guam. His invaluable personal and professional accomplishments have also earned him several prestigious awards and recognitions ranging from being the first recipient of the AIA Guam and Micronesia Chapter's Scholarship to attend the UC Berkeley College of Environmental Design to obtaining the Most Outstanding Cultural Tourism Project Award from the Guam Visitors Bureau, Winning Finn of Design Competition for the Guam Museum, YML 2008 Member of the Year Award, 2010 PEALS Board Golden Jubilee Achievement, 2010 Guam Chamber of Commerce Na' La' Bonita Guam Award, a Western Conference of Architectural Registration Boards laudatory resolution, and the Governor's Award.

Andrew "Andy" Tenorio Lagaña is an icon of service and ingenuity who continues to inspire generations of rising architects, local community leaders, and global citizens altogether. He did not simply make history as the first CHamoru to be elevated to the status of Fellow by the American Institute of Architects and first Guam architect to chair Region 6 of the National Council of Architectural Registration Boards, he left a lasting mark on it by quite literally cementing identity and culture into the projects he pursued. My family and I wish to extend our hearts and prayers for Andy; his wife, Joanne; their daughters, Jerusa and Drew Ann; and the rest of their family and friends, and I join the people of Guam in remembering and celebrating his life and legacy of directing one's knowledge, skills, and passions toward uplifting and responding to the needs of their community. Andy will be dearly missed, and his love and memories will forever remain in the hearts of the people of Guam.

RECOGNIZING THE 20TH ANNIVERSARY OF THE PLANO COURTYARD THEATRE

HON. VAN TAYLOR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 2022

Mr. TAYLOR. Madam Speaker, today, I rise to recognize the Plano Arts Coalition as they celebrate the 20th Anniversary of the Plano Courtyard Theatre. One of the oldest public buildings in Plano, the Courtyard Theatre serves as a center of cultural enrichment and exemplifies the social heritage of our community.