

“its own mechanism of congressional reporting.” Response Letter at 6. As described above, the HEROES Act requires ED to provide Congress with an “impact report” no later than 15 months after it provides any waiver or modification. Id. §1098bb(c). On its face, this reporting requirement does not displace the purpose of CRA and its requirements, which trigger before an agency takes action. It would be wholly consistent with both CRA and the HEROES Act for an agency to first submit a CRA report (and find “good cause” to forego the normal requirements), and then to take action pursuant to the HEROES Act, and then to report on the impact of such actions within 15 months. See B-333501, Dec. 14, 2021 (finding that the Centers for Disease Control and Prevention (CDC) had to submit a CRA report in connection with new masking requirements, but that it could address the need for emergency implementation through a good cause waiver); B-333732, Jul. 28, 2022 (“While CRA does not provide an emergency exception from its procedural requirements . . . [it] addresses an agency’s need to take emergency action without delay.”). Indeed, over the course of the COVID-19 public health emergency, several agencies have submitted rules for congressional review while waiving the delay in effective date by invoking CRA’s good cause exception. See, e.g., B-33486, Aug. 10, 2021; B-333381, Jul. 9, 2021; B-332918, Feb. 5, 2021.

Issues before the Supreme Court

With this decision, we are not addressing the questions currently before the Supreme Court in *Biden v. Nebraska*, which include whether ED’s Waivers and Modifications “exceed[ed] the Secretary [of Education]’s statutory authority or [were] arbitrary and capricious.” See Supreme Court Docket No. 22-506, Questions Presented (Dec. 1, 2022), available at <https://www.supremecourt.gov/docket/docketfiles/html/qp/22-00506qp.pdf>. For present purposes, we treat the Waivers and Modifications as an exercise of the HEROES Act authority that ED invoked to support them. We hold only that a valid exercise of authority under the HEROES Act is subject to CRA. We need not reach the more specific conclusion about the substantive validity of ED’s Waivers and Modifications at issue in the Supreme Court’s decision in *Biden v. Nebraska* in order to reach a conclusion under CRA.

CONCLUSION

ED’s Waivers and Modifications meet the definition of a rule under CRA and no exception applies. Therefore, ED’s Waivers and Modifications are subject to the requirement that they be submitted to Congress. If ED finds for good cause that normal delays are impracticable, unnecessary, or contrary to the public interest, then its rule may take effect at whatever date ED chooses, consistent with CRA. 5 U.S.C. §808(2).

EDDA EMMANUELLI PEREZ,
General Counsel.

ADDITIONAL STATEMENTS

RECOGNIZING THE BISMARCK CAPITAL ICE CHIPS

• Mr. CRAMER. Madam President, this is a time of year when sports seasons wrap up and tournaments and final competitions crown new champions. I have the privilege today of recognizing one team of outstanding figure skaters from Bismarck, ND. They are the Capital Ice Chips, 22 high school girls under the age of 18 who this month skated their way to the gold medal in

the U.S. National Synchronized Skating championships.

The Ice Chips are not strangers to this national competition, which was held in Peoria, IL. They have qualified for nationals for the past 13 years and have stood on the winners podium nine times. This year, they were on the top step for the first time after competing against 12 other teams hailing from much larger metropolitan areas in California, New York, Illinois, New Jersey, and Arizona.

The 20-year-old Bismarck Figure Skating Club has been dominant in national competitions because it begins training young skaters as young as preschoolers. With considerable support from parents and top-notch teachers and coaches at every stage of learning, these young skaters also start synchronized skating at an early age. Most of this year’s Capital Ice Chips are veteran skaters who have attended many regional and national competitions.

I want to commend the coaches, notably Rebecca Gallion, who has been with the Bismarck Figure Skating Club for all of its 20 years, as well as Selena Morris and Hayley Trom. Previous skaters have become instructors and coaches and have been instrumental in helping the Ice Chips advance to the level of excellence on display at the national competition this year.

The skaters on the Capital Ice Chips national championship team are Emily Apert, Elyse Bock, Nora Carlson, Gabriella Deeter, Chloe Dwyer, Isabelle Ersland, Brooklyn Gallion, Tatum Gietzen, Ella Haar, Miah Hamar, Kamri Hopfauf, Ashlyn Iverson, Nora Luckenbill, Taryn Nelson, Addison Rakness, Kadence Rambur, Addison Renton, Morgan Schatz, Lexi Stenberg, Reece Theel, Ethnie Zahn, and Kinzie Zahn.

North Dakota’s legendary winters bring out a love of winter sports, including those played on ice rinks across my State. Figure and synchronized skating require teamwork and discipline in these young athletes, and I congratulate the Capital Ice Chips for their dedication and hard work that earned them this championship. I join the rest of North Dakota in thanking the Bismarck Figure Skating Club and the Capital Ice Chips for inspiring all of us to achieve excellence. They have demonstrated what can be achieved by combining faith and passion with determination and teamwork.●

TRIBUTE TO ALEX RAY, LISA MURE, SUSAN MATHISON, AND STEVE RAND

• Ms. HASSAN. Madam President, I am honored to recognize Alex Ray and Lisa Mure of Holderness and Susan Mathison and Steve Rand of Plymouth as March’s Granite Staters of the Month. The group of friends started a nonprofit, Common Man for Ukraine, that has raised more than \$2.6 million

for Ukrainian children impacted by Putin’s unconscionable invasion of Ukraine.

Following the onset of the war, the group wanted to figure out how they could help the Ukrainian people. Through their membership with the Plymouth Rotary Club, Alex and Steve connected with Rotarian leaders in Poland, which was already seeing an influx of Ukrainian refugees fleeing the conflict. And then Alex, Susan, Steve, and Lisa jumped into action. Within just 2 weeks, the four friends were on the ground in Poland and Ukraine meeting with Ukrainian and Polish Rotary Club leaders about the needs of local displaced person camps, orphanages, and safehouses for displaced children.

When the group returned to New Hampshire, they began to raise funds, with the first donation being \$500 from the Plymouth Rotary Club. Since then, they have raised more than \$2.6 million to purchase 750 tons of food for their partners in Poland. The NH Fisher Cats AA baseball team also hosted a benefit game to raise funds.

The group has not let up in their efforts over the past year. They have visited Poland and Ukraine three more times to evaluate the changing needs on the ground in coordination with their Rotarian partners. In addition to packing warehouses with essential goods, they also delivered those relief supplies themselves to safehouses and orphanages for children impacted by the war. This past Christmas, they brought personal solar lanterns, food, generators, and presents to 21 Ukrainian orphanages, so that the children could experience literal and symbolic light throughout the various power outages. When the Granite Staters arrived with the supplies, the children excitedly came outside in the cold to greet them, and they were able to share Christmas greetings and carols despite the language barrier. The four volunteers bravely returned to Ukraine on the war’s February anniversary to deliver supplies to 14 additional orphanages and safehouses.

The work that Alex, Susan, Steve, and Lisa have done with their nonprofit organization is an incredible testament to the impact that Granite Staters can have, even across the world, when they are helping others. They refused to stand by during a devastating war and the subsequent refugee crisis, instead boldly finding a way to directly help Ukrainian children. Alex, Susan, Steve, and Lisa embody the Granite State spirit of taking on a challenge directly in order to make a real difference, and I know that they will continue to make New Hampshire proud through their work in Poland and Ukraine.●

TRIBUTE TO PASTOR HAN BYEONG CHEOL

• Mr. OSSOFF. Madam President, I rise today to commend Pastor Han

Byeong Cheol, senior pastor of the Korean Central Presbyterian Church of Atlanta, for his years of service and advocacy on behalf of Atlanta's Korean American community. Since 2009, Pastor Han has led the Korean Central Presbyterian Church's missionary work and has dedicated his time to spreading the gospel to his local Korean community and the entire region.

Two years ago, following the horrific spa shootings in which three members of Georgia's Korean American community lost their lives, Pastor Han demonstrated strong leadership by bringing faith leaders together to speak out against acts of hate and help the community heal. At a time when acts of violence toward Asian Americans are on the rise across our Nation, Pastor Han is stepping up to spread awareness about the rise of hate crimes, educating people on how to use faith to bring about positive change, and guiding his community forward.

Georgia's Korean American community is strong, and even in the face of vile attacks, their resolve has not broken. Pastor Han and the Korean Central Presbyterian Church community are prime examples of that. As we commemorate this solemn anniversary, may we find solace in those in our community like Pastor Han who have turned tragedy into healing.

As Georgia's U.S. Senator, I recognize and commend Pastor Han Byeong Cheol for his years of service to Georgia's Korean American community. ●

MESSAGE FROM THE HOUSE

At 3:26 p.m., a message from the House of Representatives, delivered Mrs. Cole, one of its reading clerks, announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107-117, and the order of the House of January 9, 2023, the Speaker appoints the following Members on the part of the House of Representatives to the Board Trustees of the John F. Kennedy Center for the Performing Arts: Mr. MCCAUL of Texas and Ms. LETLOW of Louisiana.

The message also announced that pursuant to 46 U.S.C. 51312(b) and the order of the House of January 9, 2023, the Speaker appoints the following Member on the part of the House of Representatives to the Board of Visitors to the United States Merchant Marine Academy: Mr. VALADAO of California.

The message further announced that pursuant to 10 U.S.C. 9455(a), and the order of the House of January 9, 2023, the Speaker appoints the following Members on the part of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Mr. PFLUGER of Texas and Mr. LAMBORN of Colorado.

The message also announced that pursuant to 10 U.S.C. 8468(a), and the order of the House of January 9, 2023, the Speaker appoints the following

Members on the part of the House of Representatives to the Board of Visitors to the United States Naval Academy: Mr. ELLZEY of Texas and Mr. C. SCOTT FRANKLIN of Florida.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-756. A communication from the Acting Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "U.S. Merit Systems Protection Board Annual Performance Report for FY 2022 and Annual Performance Plan for FY 2023-2024" received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC-757. A communication from the Chair of the Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Annual Performance Report for fiscal year 2022 received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC-758. A communication from the Chair of the Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Annual Performance Plan for fiscal year 2023-2024 received in the Office of the President pro tempore; to the Committee on Commerce, Science, and Transportation.

EC-759. A communication from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting, pursuant to law, two (2) reports relative to vacancies in the Department of Housing and Urban Development, received in the Office of the President of the Senate on March 6, 2023; to the Committee on Banking, Housing, and Urban Affairs.

EC-760. A communication from the Federal Register Liaison Officer, Bureau of Ocean Energy Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "2023 Civil Penalties Inflation Adjustments for Oil, Gas, and Sulfur Operations in the Outer Continental Shelf" (RIN1010-AE17) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Energy and Natural Resources.

EC-761. A communication from the Departmental Privacy Officer, Office of Law Enforcement and Security, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Social Security Number Fraud Prevention Act of 2017 Implementation" (RIN1090-AB24) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Energy and Natural Resources.

EC-762. A communication from the Departmental Privacy Officer, Office of Law Enforcement and Security, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Privacy Act Regulations; Exemptions for the Personnel Security Program Files System" (RIN1090-AB16) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Energy and Natural Resources.

EC-763. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Packaged Terminal Air Conditioners and Packaged Terminal Heat Pumps" (RIN1904-AE66) received in the Office of the

President of the Senate on March 6, 2023; to the Committee on Energy and Natural Resources.

EC-764. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for General Service Fluorescent Lamps" (RIN1904-AE40) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Energy and Natural Resources.

EC-765. A communication from the Assistant Secretary for Water and Science, Department of the Interior, transmitting, pursuant to law, a report entitled "Annual Operating Plan (AOP) for Colorado River System Reservoirs for 2023"; to the Committee on Energy and Natural Resources.

EC-766. A communication from the Chief of the Endangered Species Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species; Designation of a Nonesential Experimental Population of Central Valley Spring-run Chinook Salmon in the Upper Yuba River Upstream of Englebright Dam, Authorization for Release, and Adoption of Limited Protective Regulations under the Endangered Species Act" (RIN0648-BK00) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Environment and Public Works.

EC-767. A communication from the Senior Attorney Advisor/Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Electric Vehicle Infrastructure Standards and Requirements" (RIN2125-AG10) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Environment and Public Works.

EC-768. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Enhanced Weapons, Firearms Background Checks, and Security Event Notifications" (RIN3150-AI49) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Environment and Public Works.

EC-769. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Florida; Update to Materials Incorporated by Reference" (FRL No. 9727-01-R4) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Environment and Public Works.

EC-770. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances" (FRL No. 9779-02-OCSPP) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Environment and Public Works.

EC-771. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Kentucky; Revision to Federally Enforceable District Origin Operating Permits" (FRL No. 10421-02-R4) received in the Office of the President of the Senate on March 6, 2023; to the Committee on Environment and Public Works.