

antitrust, legal ethics, consumer protection, family law, and even one memorable case regarding horseshoe crabs.

His diversity of experience is a testament to Judge Abelson's work ethic, which has allowed him to master one highly complex area of the law after another. His colleagues say he was gifted with "a special ability to explain complex legal matters in a way that is readily accessible" to everyone. And he fought to ensure that "neither lawyers nor judges lose sight of the humanity of every individual, without regard to their resources."

In addition to his early work fighting for human rights abroad, Adam has devoted himself to the same principles here at home through pro bono work. Again, his colleagues say he "regularly leapt at the chance to take on matters in furtherance of public good."

I do want to mention one important case: his work in *Wit v. United Behavioral Health*, which was a class-action lawsuit in which he took on a massive health insurance company on behalf of 100,000 patients with mental health and substance abuse disorders. These patients were being denied coverage and being forced to shoulder huge out-of-pocket costs for essential care. Adam Abelson helped win them relief, and former Congressman Patrick Kennedy called it the "Brown v. Board of Education for the mental health movement" case.

It is no surprise that, as Senator CARDIN said, the American Bar Association unanimously ruled that Judge Abelson is "well qualified" for the position to which he was nominated.

He has also been a devoted and outstanding member of the legal community, taking on responsibilities with the Maryland chapter of the Federal Bar Association and also having chaired the American Bar Association's Working Group on Building Public Trust in the American Justice System.

He has also been an indispensable citizen in the great city of Baltimore. He served on the board of the Job Opportunities Task Force, which works to eliminate educational and employment barriers for low-wage workers with job training, advocacy, and research. He is an active member of his synagogue, Beth El Congregation.

I want to end just by mentioning some of his family members to whom he would readily say he owes his good fortune in being nominated for this position. His grandmother Lois was a public school guidance counselor who counseled at-risk youth, taught adult education classes, and was involved in other community and civic activities—all into her nineties. In his application, Judge Abelson remembers that his grandmother helped put him on the path to public service. When she delivered meals for senior citizens in public housing, she took Adam and her other grandchildren along.

She died 10 years ago, but it is clear that her tenacious work ethic and her

devotion to justice live on in her grandson.

Like Senator CARDIN, I also want to acknowledge his immediate family members—his wife Laura Ginsberg Abelson, who is a former Federal public defender, an adjunct professor at the University of Maryland Law School, and a fellow at the University of Pennsylvania Carey Law School. It was Laura who grew up in Baltimore, and we have her to thank many years ago for poaching Adam from Ohio. They decided to raise their family in Baltimore City. Their sons Asher and Max are both currently attending Baltimore City public schools, and both Mom and Dad are very active in their children's educations.

We know our democracy depends on a strong, independent judiciary, and our judiciary depends on people like Judge Abelson—leaders with nimble minds and deep-rooted convictions. He has served with distinction as a magistrate judge, and he will make Maryland and America proud as a district judge. I strongly urge my colleagues to vote to confirm him.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 705, Adam B. Abelson, of Maryland, to be United States District Judge for the District of Maryland.

Charles E. Schumer, Richard J. Durbin, Peter Welch, John W. Hickenlooper, Margaret Wood Hassan, Jack Reed, Laphonza R. Butler, Richard Blumenthal, Benjamin L. Cardin, Tammy Baldwin, Christopher Murphy, Chris Van Hollen, Catherine Cortez Masto, Tammy Duckworth, Christopher A. Coons, Brian Schatz, Sheldon Whitehouse.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Adam B. Abelson, of Maryland, to be United States District Judge for the District of Maryland, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mr. PADILLA), the Senator from Arizona (Ms. SINEMA), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI), the Senator from Idaho (Mr. RISCH), the Sen-

ator from South Dakota (Mr. ROUNDS), the Senator from Florida (Mr. RUBIO), the Senator from South Carolina (Mr. SCOTT), the Senator from Alaska (Mr. SULLIVAN), and the Senator from Ohio (Mr. VANCE).

The yeas and nays resulted—yeas 50, nays 40, as follows:

[Rollcall Vote No. 231 Ex.]

YEAS—50

Baldwin	Graham	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Rosen
Booker	Helmy	Sanders
Brown	Hickenlooper	Schatz
Butler	Hirono	Schumer
Cantwell	Kaine	Shaheen
Cardin	Kelly	Smith
Carper	King	Stabenow
Casey	Klobuchar	Tester
Collins	Lujan	Van Hollen
Coons	Manchin	Warner
Cortez Masto	Markey	Warnock
Duckworth	Merkley	Warren
Durbin	Murphy	Welch
Fetterman	Murray	Wyden
Gillibrand	Ossoff	

NAYS—40

Barrasso	Ernst	Moran
Blackburn	Fischer	Mullin
Boozman	Grassley	Paul
Braun	Hagerty	Ricketts
Britt	Hawley	Romney
Budd	Hoeven	Schmitt
Capito	Hyde-Smith	Scott (FL)
Cassidy	Johnson	Thune
Cornyn	Kennedy	Tillis
Cotton	Lankford	Tuberville
Cramer	Lee	Wicker
Crapo	Lummis	Young
Cruz	Marshall	
Daines	McConnell	

NOT VOTING—10

Murkowski	Rubio	Vance
Padilla	Scott (SC)	Whitehouse
Risch	Sinema	
Rounds	Sullivan	

The PRESIDING OFFICER (Mr. HEINRICH). On this vote, the yeas are 50, the nays are 40. The motion is agreed to.

The motion was agreed to.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING RICHARD STEELE

Mrs. MURRAY. Mr. President, I rise today to pay one final tribute to Richard Steele, a close friend and devoted public servant to our environment who passed away recently. He left behind a loving family, many friends—and a legacy that will be remembered and appreciated by countless generations in the form of the Hanford Reach National Monument, which exists today in no small part due to his tireless advocacy.

Rich dedicated decades of his life fighting to protect and preserve the

Hanford Reach, and he brought to that fight—along with his many other talents—a true fisherman's patience and persistence. Year after year, decade after decade, he never let up when it came to pushing for Federal protections to ensure the waters he loved, and that he loved to share with others, would remain wild, free, and beautiful for years to come.

One of his particular joys—and talents—was to bring locals, politicians, and dignitaries on his boat to tour the waters and to win them over to his cause. You see, Rich didn't just know how to fish for trout; he knew how to fish for support, and he knew a boat tour of the beautiful wilds of Washington State was pretty good bait. Once he had a live one on the line, reeling them in was always easy; he just let the river do its thing.

As he told a reporter once, "I always had an unfair advantage, how can you not want to protect this?"

Like so many others, I had the privilege of joining Rich on his boat, the *Can Do II*, for a tour of the mighty Columbia. The first time I floated down the Hanford Reach of the Columbia River, I was captivated by the beautiful landscape, the fish and the wildlife, and the reminders of the vibrant Tribal culture that abounds along the Hanford Reach.

As we floated along, we saw the reactors and discussed the role the Tri-Cities played in helping America win World War II, including my father's part in that important piece of history. And of course, Rich told his own stories of the river and shared his comprehensive knowledge of why it was such a valuable resource.

That trip is a cherished memory for me. And I know just about every person who took a trip with Rich—and there were many—walked away feeling the same way.

Now, I was already interested in saving the river before that tour, but I walked away more energized than ever. Plus, just to give you a sense of how shrewd of a political operator Rich was, he named a beach after me. How could I not fight to save Murray Beach?

I worked with Rich for many years afterwards as we pushed to protect Hanford Reach. I spoke of his advocacy here in the Senate before, including when he was awarded the Environmental Hero Award by the Washington Environmental Council.

I spoke with him in Washington State when we held a Senate hearing about the Hanford Reach in Mattawa. Rich once again made a powerful case with his characteristic clarity about why we needed to protect this river in the highest, most permanent way possible.

And I saw him, beaming ear-to-ear, the day he stepped off the *Can Do II* with Vice President Gore, who then announced that, earlier that morning, President Clinton had declared Hanford Reach a National Monument.

Now I have spoken a lot about Rich, but I know he would also want me to say a bit more about his legacy, about Hanford Reach. This 51-mile stretch remains the last free-flowing section of the Columbia River. It is a landscape that has some of the most dramatic views you can imagine and an incredible variety of wildlife.

On the river you can hear the splashing of salmon and steelhead trout which thrive there. In the skies, you might spot a bald eagle, a white pelican, or a blue heron. Hiking the wilds you will find mule deer, coyotes, elk herds, porcupines, and more. You can also see the vibrant colors of wildflowers and, of course, the pristine white of the bluffs—which Rich fought to ensure were included in the boundary.

There is so much more to be said about Rich, and his impact on his community, and in my State, but no words can speak as eloquently as a visit to the Hanford Reach, which is not just a National Monument, but to me and many others, it is also a personal testament to Rich's vision and dedication. So I will just close by encouraging everyone to visit this invaluable treasure, to take in the awe of the mighty Columbia, to take in the sights, sounds, and beauty of nature, and to remember my friend Rich who fought to keep that river running free.

GOVERNMENT ACCOUNTABILITY OFFICE LEGAL OPINION

Mr. CRUZ. Mr. President, I ask unanimous consent that the attached legal opinion of the Government Accountability Office, no. B-336512, titled "Office of Management and Budget—Applicability of the Congressional Review Act to Controller Alert CA-23-6, Enhancing Transparency Through Use of the Investing in America Emblem on Signs," issued on August 29, 2024, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECISION

Matter of: Office of Management and Budget—Applicability of the Congressional Review Act to Controller Alert CA-23-6, Enhancing Transparency Through Use of the Investing in America Emblem on Signs

File: B-336512

Date: August 29, 2024

DIGEST

The Office of Management and Budget (OMB) issued an updated Controller Alert entitled CA-23-6, Enhancing Transparency Through Use of the Investing in America Emblem on Signs (UPDATED) (Controller Alert). The Controller Alert was directed to Chief Financial Officers across the federal government and recommended actions for agencies to take, such as adopting signage and public acknowledgement requirements in the terms and conditions of financial assistance awards, to promote openness and transparency of projects funded in whole or in part by specified pieces of legislation.

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. CRA incorporates the Administrative Procedure Act's (APA's) definition of a rule for this purpose, with three exceptions. We conclude that the Controller Alert is a rule for purposes of CRA because it meets the APA definition of a rule, and no CRA exception applies. Therefore, the Controller Alert is subject to CRA's submission requirements.

DECISION

On February 24, 2023, the Office of Management and Budget (OMB) published an updated Controller Alert entitled CA-23-6, Enhancing Transparency Through Use of the Investing in America Emblem on Signs (UPDATED) (Controller Alert).¹ We received a request for a decision as to whether the Controller Alert is a rule for purposes of the Congressional Review Act (CRA). Letter from Senator Ted Cruz to the Comptroller General (June 20, 2024). We also received a follow-up communication from Senator Cruz further explaining his views. Letter from Senator Ted Cruz to the Comptroller General (Aug. 1, 2024). As discussed below, we conclude that the Controller Alert is a rule subject to CRA's submission requirements.

Our practice when rendering decisions is to contact the relevant agencies to obtain their legal views on the subject of the request. GAO, GAO's Protocols for Legal Decisions and Opinions, GAO-24-107329 (Washington, D.C.: Feb. 2024), available at <https://www.gao.gov/products/gao-24-107329>. Accordingly, we reached out to OMB to obtain the agency's legal views. Letter from Assistant General Counsel, GAO, to General Counsel, OMB (July 9, 2024). We received a response from OMB on August 6, 2024. Letter from General Counsel, OMB to Assistant General Counsel, GAO (Response Letter).

BACKGROUND

Controller Alert

According to OMB, Controller Alerts are designed to inform Chief Financial Officers (CFOs) at agencies across the federal government of financial issues that may require attention, "but do not constitute official guidance or prescribe specific tasks for agencies beyond consideration of appropriate steps to address the issue." Controller Alert, at 1. The Controller Alert at issue here was intended to "suggest strategies, including the use of public signage, to increase the transparency of projects funded in whole or in part" by the American Rescue Plan Act of 2021 (ARPA), Pub. L. No. 117-2, 135 Stat. 4 (Mar. 11, 2021); the Infrastructure Investment and Jobs Act (IIJA), Pub. L. No. 117-58, 135 Stat. 429 (Nov. 15, 2021); the Creating Helpful Incentives to Produce Semiconductors and Science Act of 2022 (CHIPS and Science Act), Pub. L. No. 117-167, 136 Stat. 1366 (Aug. 9, 2022); the Inflation Reduction Act of 2022 (IRA), Pub. L. No. 117-169, 136 Stat. 1818 (Aug. 16, 2022); and "other appropriations as appropriate." Controller Alert, at 1.

Among the strategies recommended, the Controller Alert encouraged agencies to develop signage and public acknowledgement requirements to be included in the terms and conditions of financial assistance awards provided through the specified legislation, to develop public outreach campaigns to communicate progress on projects funded through the legislation, and to incorporate statements of acknowledgement in published materials that cover activities funded through the legislation. Id. at 2. For example, the Controller Alert states that "award terms and conditions requirements should specify guidelines for use of the official Investing in America emblem," "should specify guidelines for signage and communications materials to identify the project as a