went in, border crossings dropped. President Biden—President Biden—put in place the exact same Executive order that, in effect, is this exact legislation. Border crossings dropped.

I am confused by my colleague's explanation about the Ukrainian refugees. If they are coming from Ukraine and they are entering through a legal port of entry, that is when they would claim asylum.

I don't think we have a scenario where we are asking Americans or legal residents to apply for asylum because, if you are already in the interior of the country, that decision was already made.

So if you are the Ukrainian family that you talked about, you claim asylum at the legal port of entry. The law says—which we are not following; this body refuses to enforce its own laws—is that we will adjudicate that claim in 180 days.

I absolutely never said they would be arrested. In fact, nothing in this bill mentions being arrested, but what it says is they must wait in the prior safe country. So in the case of Ukraine, they can go to France, apply for asylum there, wait 180 days, and then we will welcome them with open arms to America—the right way, the legal way.

I hope my colleague is not hoping for a scenario where that Ukrainian family goes to Mexico City, pays a drug cartel member a few thousand dollars to get smuggled across the border, across a river with a family where the children—who knows what can happen to them.

That is how you want refugees to come to this country? That doesn't even make any sense. There is nobody being arrested by this bill. There is nobody being detained by this bill. It is exactly the opposite. We are asking the refugee to wait in the prior safe country for 180 days, which is the law; and then once your claim is adjudicated, we welcome you with open arms.

My colleague mentioned that there is 3.6 million cases backlogged. That is true. It is a stunning and shameful number. What she doesn't mention is that 90-plus percent of those cases, a judge rules, once they get to it in 5 or 6 or 7 years, that it is an invalid asylum claim. It doesn't mean that they are not economic migrants. It doesn't mean that they are somebody who may want to come to this country. But they are people who are clearly not refugees. Not my thoughts, the thoughts of immigration judges that are making this decision over and over again.

But only in Washington, DC, only when you have been here so long that your head can't see straight do you think it is a better idea to have unlimited amounts of fake asylum claims. And the way you handle that, instead of changing the law, is to hire thousands of more judges to give the answer you already know, to waste taxpayer dollars that way.

My colleagues talk about Republicans being on the side of billionaires. You know what billionaires the Democrats have created? The drug cartel members that are making billions of dollars smuggling people.

I went to a border crossing in Del Rio, TX. A border patrol agent let me come right to the edge of the river. I saw four people come across—two men, two women. The minute they landed, they got on their knees and said, ''Asilo, asilo,'' which is ''asylum'' in Spanish.

I asked if they knew what that meant. They said no, but that is what the drug cartel had told them to say the minute they landed in America. They are not refugees.

Why are you making those Ukrainian families wait behind economic migrants claiming fake asylum claims?

Look, this is what is wrong with Washington, DC. This is an easy, obvious fix. The data proves it out. You put that law in place, border crossings drop. Biden, Trump, they put the exact Executive order in place.

Now, you don't have to take my word for it. On CBS just yesterday, Face the Nation—wake up on a beautiful Sunday and turn on Face the Nation. Margaret Brennan asked Congressman SUOZZI—I apologize if I pronounced his name wrong. Margaret Brennan said to the Congressman:

[I]llegal border crossings, as we just discussed, they are at a historic low. President Trump made that point when he was addressing Congress this week. Was he right that . . . he didn't need to wait for Congress?

We didn't need comprehensive immigration reform.

[Was he right] that it really was messaging from the White House beyond?

This is what a Democrat, a Democrat from New York says:

Well, obviously—

Keyword, ''obviously''—

we've seen a reduction in crossings.

Why is it obvious? Because we know this works. We know that if we make asylum only at a legal port of entry, 180 days to process, can't claim it if you cross illegally—we know, obviously. His words:

Well, obviously we've seen a reduction in crossings. We saw it under [Biden at the end of his administration] . . . after he did his executive order to say, no, asylum applications are between the ports of entry. But we need to make it permanent law.

Democrat Member of the House of Representatives:

But we need to make it permanent law.

I guess after 10 weeks in the U.S. Senate, I should expect that everything has to be hard. Everything has to be a battle. But I can tell you, people all over this country, the people who don't watch C–SPAN 24/7, the people who don't go on X and read every last debate between their elected Members—they are just regular Americans who want to enjoy their lives, who pay taxes—cannot understand why we can't come together on something so incredibly simple, so easy.

The Democrat President did it. The Republican President did it. It works. This is not theoretical.

And to my colleague, I don't want those Ukrainian refugees waiting behind millions of economic migrants. It is not fair to them. Why would we do that?

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I hear my colleague acknowledging that the asylum system is broken. My objections remain.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. MORENO. I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 200; and that the bill be placed on the legislative calendar.

The PRESIDING OFFICER. Is there an objection?

The Senator from Hawaii.

Ms. HIRONO. Reserving the right to object. For the reasons previously stated, I object.

The PRESIDING OFFICER. The objection is heard.

The PRESIDING OFFICER. The Senator from Ohio.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MORENO. Mr. President, I ask unanimous consent that the Senate resume legislative session for 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 MAJOR GENERAL EVAN L. ''CURLY'' HULTMAN

Mr. GRASSLEY. Mr. President, today I want to honor an outstanding Iowan who devoted his life in service to our home State and to America. This weekend, my good friend of nearly 70 years was laid to rest with full military honors, after passing away on February 16, at age 99 years young.

Evan L. Hultman was better known by his nickname. He was called ''Curly'' for his thick crop of curly blond hair. Throughout his career in the military, law, and politics, Curly never met a stranger. And he never let a blade of grass grow underneath his feet.

A stand-out athlete, Curly helped lead his high school football team to victory at the state championship in 1941. He was a multisport varsity athlete at East High School in Waterloo. In the ninth grade, he met the love of his life Betty Ann Hook.

Following graduation from high school in 1943, Curly enlisted in the U.S. Army during World War II. He married his high school sweetheart on October 14, 1944, before Curly served in the South Pacific in the 19th Infantry Division.

A member of the ''greatest generation,'' Curly served our country in uniform with honor and distinction. He remained in the Army Reserve for more than a half-century following Active Duty. In 1980, he attained the rank of major general.

After the war, Curly attended the University of Iowa, earning his bachelor's and law degrees. From there, he delved head first into civic and political life. After winning election as Black Hawk County Attorney, Curly was elected Iowa Attorney General. This is around the time our paths crossed on the campaign trail in the Cedar Valley and when I started serving in the State legislature in Des Moines.

A lifelong Republican, Curly was our party's nominee for Governor in 1964. He lost a hard-fought race to Harold Hughes, who went on to join this body in the 91st Congress. From 1969 to 1977, Curly served as U.S. attorney for the Northern District of Iowa, under Presidents Nixon and Ford. During my first term in the U.S. Senate, President Reagan reappointed Curly as U.S. Attorney, and I was pleased to help steer his nomination through the Senate Judiciary Committee.

Following his three tours of duty as U.S. Attorney, Curly served as executive director of the Reserve Officers Association and the International Confederation of Reserve Officers, an organization of reserve officers in the NATO alliance. In this capacity, Curly helped forge lasting peace and security for former Warsaw Pact nations and some former Soviet republics. During his tenure, NATO expanded from 13 to 30 member-nations. Curly was named the organization's honorary president for life.

Curly's distinguished record of public and military service was recognized with the Army's Distinguished Service Medal from President Reagan and the Distinguished Public Service Medal from the U.S. Secretary of Defense in 1994. His leadership for peace and freedom also were recognized around the globe, including from the Czech Republic, Hungary, Sweden, and Denmark.

Closer to home, Curly was a treasured, invaluable civic leader in the Cedar Valley. He helped raise funds for Honor Flights and many other veterans programs, including money for the Sullivan Brothers Iowa Veterans Museum, for which he had a leading role in its design, construction, and fundraising. Curly was known to break into song and dance to raise money for local veterans causes.

For decades, Curly was a mainstay on the campaign trail, from the Iowa caucuses, statewide and local elections. He got bit by the political bug early, attending his first grassroots event at an early age for the reelection of President Herbert Hoover. And just last year, in sub-zero temperatures, Curly attended his precinct caucus at the Columbus Catholic High School gymnasium in Waterloo.

This Iowa Hawkeye turned statesman was larger than life and made life better for those around him. He stood on principle and leaves a lasting legacy as a peacemaker and patriot and his love for America. His greatest duty and devotion were reserved for his family and high school sweetheart Betty, his wife of 73 years. Barbara and I send our sincerest condolences to his entire family, especially his three children Stevan, Susan, and Heidi.

Godspeed, Curly. May you rest in eternal peace alongside your beloved Betty.

CONGRESSIONAL REVIEW ACT

Mr. WHITEHOUSE. Mr. President, as my colleagues know, since 1996, the Congressional Review Act, 5 U.S.C. δδ 801–808, has provided an important tool for Congress to provide a check on certain Agency rules. Pursuant to the statute, the Government Accountability Office polices whether an Agency action is or is not a rule for purposes of the Congressional Review Act. Under that authority, in 2023, GAO decided that certain Environmental Protection Agency actions under the Clean Air Act relating to California's emission control standards were not a rule for purposes of the Congressional Review Act.

Late last month, the Trump administration Environmental Protection Agency submitted three Biden administration actions as rules under the Congressional Review Act. These actions once again related to California's emission control standards. Along with my colleagues from California, Senators Padilla and Schiff, I wrote the GAO to confirm whether or not these three actions were rules for purposes of the Congressional Review Act. On Thursday came GAO's response. They are not.

Referring back to its 2023 decision, GAO concluded that ''our prior analysis and conclusion in B–334309 that the Advanced Clean Car Program Waiver Notice was not a rule for purposes of CRA because it was an order under APA would apply to the three notices at issue here.''

To help complete the Senate's record of this matter, I ask unanimous consent that the text of GAO's letter be printed in the RECORD.

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

B–337179

March 6, 2025

Congressional Requesters

Subject: Observations Regarding the Environmental Protection Agency's Submission of Notices of Decision on Clean Air Act Preemption Waivers as Rules Under the Congressional Review Act

This letter responds to your request for a legal decision as to whether the Environmental Protection Agency's (EPA) Clean Air Act preemption waivers and Notices of Decision that EPA submitted as rules to Congress and GAO in late February 2025[1] are rules subject to the Congressional Review Act (CRA).[2] Our regular practice is to issue decisions on actions that agencies have not submitted to Congress as rules under CRA in order to further the purposes of CRA by protecting Congress's CRA review and oversight authorities.[3] In this case, we are presented with a different situation because the actions were submitted as rules under the CRA, and it is not one in which we normally issue a legal decision. However, we do have prior caselaw that addressed the applicability of CRA to Clean Air Act preemption waivers, B–334309, Nov. 30, 2023, and EPA's recent submission is inconsistent with this caselaw. Therefore, we are providing you with our views and analysis of preemption waivers under the Clean Air Act that may be helpful as Congress considers how to treat these Notices of Decision and the application of CRA procedures.

As background to these issues, we issued a legal decision concluding that a Clean Air Act preemption waiver was not a rule subject to CRA but was instead an adjudicatory order. *See* B–334309, Nov. 30, 2023. Furthermore, we explained that even if the waiver were to satisfy the APA definition of a rule, it would be considered a rule of particular applicability and, therefore, would still not be subject to CRA's submission requirement because of CRA's exclusions. *Id.*

For the three Notices of Decision announcing the waivers at issue here, EPA stated that the Notices of Decision were not rules under CRA, and, in the underlying decision documents for two of those notices, cited to our 2023 decision in support of that statement. However, EPA submitted them as rules to GAO and Congress without any explanation of this discrepancy.

We reached out to EPA on February 20, 2025, for clarification on the submission of the Notices of Decision at issue here because the notices themselves stated that CRA did not apply.[4] After receiving your request, we followed our regular procedure[5] and sent a formal letter to EPA on February 25, 2025, seeking factual information and the agency's legal views on this matter.[6] Although EPA resubmitted the Notices of Decision to GAO on February 27, 2025, with additional information in the corresponding CRA reports, the agency still did not address the statements in the notices regarding the inapplicability of the CRA,[7] and, to date, EPA has not further responded to our letter.

As explained more fully below, our view is that the analysis and conclusions in our 2023 Clean Air Act preemption waiver decision would also apply to the Notices of Decision recently submitted as rules to Congress by EPA.

BACKGROUND

Clean Air Act

The Clean Air Act generally preempts states from adopting or enforcing emission control standards for new motor vehicles or new motor vehicle engines. See 42 U.S.C. §7543(a); B–334309, Nov. 30, 2023. However, the Clean Air Act requires the EPA Administrator to grant a waiver of preemption for a state that adopted a standard prior to March 30, 1966, if the state determined its standard will be, in the aggregate, at least as protective of public health and welfare as applicable federal standards. 42 U.S.C. §7543(b); B–334309, Nov. 30, 2023. Only California can qualify for preemption waivers under this section because it is the only state that adopted a standard prior to March 30, 1966. B–334309, Nov. 30, 2023.

The EPA Administrator must approve the waiver unless the Administrator makes any one of three findings set forth in the statute: (1) the determination of the state is arbitrary and capricious; (2) the state does not need state standards to meet compelling and