

(42 U.S.C. 7543(b)) at issue in the Advanced Clean Car Program Waiver Notice. In each case, California requested preemption waivers from EPA with respect to specific California regulations, and EPA, after holding a public hearing, receiving comments, and considering information presented by California and opponents of the waivers, determined to grant the requested waivers. See Advanced Clean Trucks Waiver Notice, 88 Fed. Reg. at 20688–90; Low NO_x Waiver Notice, 90 Fed. Reg. at 643–45; Advanced Clean Cars II Waiver Notice, 90 Fed. Reg. at 642–43.

The Low NO_x Waiver Notice also involves an authorization under a separate authority (42 U.S.C. 7543(e)(2)(A)). As described above, the nature of the determination and process used is very similar to section 7543(b), and our analysis and conclusions in B–334309 would apply to this portion of the notice as well. See Low NO_x Waiver Notice, 90 Fed. Reg. at 644–45 (describing the relevant procedures and grouping the corresponding findings in sections 7543(b)(2) and 7543(e)(2)(A) together in summarizing the decision). Specifically, California requested EPA’s authorization to adopt and enforce specific California regulations, and EPA, after holding a public hearing, receiving comments, and considering information presented by California and opponents of the authorization, determined to grant the requested authorization. See Low NO_x Waiver Notice, 90 Fed. Reg. at 643–45.

(2) Effect of Resolutions of Disapproval

If Congress were to treat the EPA Notices of Decisions as rules under CRA and subsequently enact resolutions of disapproval, there is a question as to the precise effect those resolutions would have. As described above, if a resolution of disapproval is enacted, then the rule has no force or effect. 5 U.S.C. 801(b)(1). However, two of the three Notices of Decision submitted by EPA to Congress, the Low NO_x Waiver Notice and the Advanced Clean Cars II Waiver Notice, appear to merely notify the public of previously issued decision documents granting California the requested preemption waivers and, in the Low NO_x Waiver Notice, the requested authorization for its regulations. See Low NO_x Waiver Notice, 90 Fed. Reg. at 643–44 (stating that EPA “is providing notice of its decision” and referencing the Low NO_x Waiver Decision); Advanced Clean Cars II Waiver Notice, 90 Fed. Reg. at 642–43 (stating that EPA “is providing notice of its decision” and referencing the Advanced Clean Cars II Waiver Decision). EPA did not include the underlying decision documents in its submission to Congress and GAO.¹⁶ In contrast, the Advanced Clean Trucks Waiver Notice, like the Advanced Clean Car Program Waiver Notice we examined in B–334309, appears to be the decision document. See 88 Fed. Reg. at 20688 (stating that EPA “is granting . . . California[’s] . . . requests for waivers”). Accordingly, if Congress were to enact resolutions disapproving the Low NO_x Waiver Notice or the Advanced Clean Cars II Waiver Notice under CRA, it is unclear whether or how those resolutions would affect the underlying waivers and authorizations.

CONCLUSION

In these circumstances, our view is 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. We provide this information to assist Congress as it considers how to treat these Notices of Decision and the application of CRA procedures.

If you have any questions, please contact Shirley A. Jones, Managing Associate Gen-

eral Counsel, or Charlie McKiver, Assistant General Counsel for Appropriations Law.

Sincerely,

EDDA EMMANUELLI PEREZ,
General Counsel.

Congressional Requesters

The Honorable SHELDON WHITEHOUSE,
Ranking Member, Committee on Environment
and Public Works, United States Senate.

The Honorable ALEX PADILLA,
United States Senate.

The Honorable ADAM B. SCHIFF,
United States Senate.

ENDNOTES

1. Email from Director, Regulatory Management Division, EPA, to GAO CRA Rules Mailbox, *Subject: Electronic Delivery of USEPA Final Actions to GAO under the Congressional Review Act (CRA)—[0 major and 3 non-major actions (02–19–2025)]* (Feb. 19, 2025) (EPA Initial Submission).

2. Letter from Senators Sheldon Whitehouse, Alex Padilla, and Adam B. Schiff to the Comptroller General (Feb. 21, 2025) (Request Letter).

3. GAO does not issue formal decisions on actions that agencies have submitted to Congress as rules under CRA because that submission generally obviates the need for a GAO decision on the matter. See B–330376, Nov. 30, 2018 (explaining that when a rule is submitted to Congress, Congress has an opportunity to review the rule and pass a joint resolution of disapproval to void the rule (see 5 U.S.C. §802) and there is no impediment that a GAO decision might cure).

4. Email from Senior Attorney, GAO, to Director, Regulatory Management Division, EPA, *Subject: RE: Electronic Delivery of USEPA Final Actions to GAO under the Congressional Review Act (CRA)—[0 major and 3 non-major actions (02–19–2025)]* (Feb. 20, 2025).

5. 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>.

6. Letter from Assistant General Counsel for Appropriations Law, GAO, to Principal Deputy General Counsel, EPA (Feb. 25, 2025).

7. Email from Director, Regulatory Management Division, EPA, to GAO CRA Rules Mailbox, *Subject: Electronic Delivery of USEPA Final Rules to GAO under the Congressional Review Act (CRA)—[0 major and 3 non-major rules (02–27–2025)]* (Feb. 27, 2025) (EPA Resubmission).

8. This decision document is available at <https://www.regulations.gov/document/EPA-HQ-OAR-2022-0332-0109> (last visited Mar. 5, 2025).

9. This decision document is available at <https://www.regulations.gov/document/EPA-HQ-OAR-2023-0292-0562> (last visited Mar. 5, 2025).

10. See EPA Initial Submission.

11. 171 Cong. Rec. H875 (daily ed. Feb. 26, 2025); EPA Initial Submission.

12. 171 Cong. Rec. S1311 (daily ed. Feb. 24, 2025).

13. EPA Resubmission.

14. See *id.*, Attachments.

15. EPA also states in each notice that the action is not a rule under the Regulatory Flexibility Act and therefore EPA did not prepare a regulatory flexibility analysis addressing the impact of the action on small businesses. Advanced Clean Trucks Waiver Notice, 88 Fed. Reg. at 20725–26; Low NO_x Waiver Notice, 90 Fed. Reg. at 645; Advanced Clean Cars II Waiver Notice, 90 Fed. Reg. at 643. Similarly, EPA further states in each notice that the relevant action is not a rule under Executive Order 12866 and is therefore exempt from review by the White House Office of Management and Budget (OMB). Advanced Clean Trucks Waiver Notice, 88 Fed. Reg. at 20725; Low NO_x Waiver Notice, 90

Fed. Reg. at 645; Advanced Clean Cars II Waiver Notice, 90 Fed. Reg. at 643. Lastly, although EPA indicated in their submission to GAO that the notices were “non-major” under CRA, the statements in the notices make it unclear whether the Office of Information and Regulatory Affairs within OMB had an opportunity to review the actions to determine if they were major rules under CRA, see 5 U.S.C. §804(2), given that those determinations are usually made as part of the Executive Order 12866 review process. See OMB Memorandum M–24–09, *Guidance on Compliance with the Congressional Review Act* (2024), at 3.

16. See EPA Initial Submission; EPA Resubmission.

CENTENNIAL OF THE PROBATION ACT OF 1925

Mr. WHITEHOUSE. Mr. President, I rise today to mark the centennial of the Probation Act, which was signed into law on March 4, 1925. The law allowed Federal judges to include probation as part of a person’s sentence, leading to the creation of the Federal probation system that we rely on today.

The probation and pretrial services system have become a backbone of the Federal judiciary and the Federal criminal justice system. Over the past 100 years, the Federal probation system has grown to employ around 7,600 personnel who work behind the scenes to assist judges and those involved in the criminal justice system. Through comprehensive investigations and reports, these officers and staff prepare judicial officers to make evidence-based decisions tailored to facts of every case. They also provide essential support and supervision to people returning home from prison, helping to rebuild lives while improving community safety.

At home in Rhode Island, our Federal probation staff is at the heart of two successful programs to put people on path out of the criminal justice system for good. The HOPE Court—Helping Offenders Prepare for reEntry—launched in 2014, is a reentry court program that helps high risk and high needs individuals returning home from prison overcome challenges like substance use disorder that might lead them to reoffend. In 2021, Rhode Island created the Deferred Sentencing Program to offer a creative treatment and supervision program in place of incarceration to effectively address offender behavior, rehabilitation, and the safety of the community. Through both of these programs, probation officers and staff work with stakeholders to connect people with community services and resources that set them up for success.

This week, Federal probation officers from across the country, including my home State of Rhode Island, gathered in our Nation’s Capital to celebrate the progress made over the past hundred years and look ahead to its future. I extend my sincere gratitude to our Federal probation workers for dutifully protecting the communities they serve

and for their commitment to promoting the fair administration of justice. As we mark this important anniversary, let us reaffirm our commitment to a criminal justice system that is fair, effective, and rehabilitative.

ADDITIONAL STATEMENTS

TRIBUTE TO REVEREND JIMMY SWAGGART

• Mr. CASSIDY. Mr. President, I rise to acknowledge evangelist Jimmy Swaggart, who is celebrating his 90th birthday this Saturday.

Reverend Swaggart was born in Ferriday, LA, on March 15, 1935, into a musically talented family. His cousins include rock and roll pioneer Jerry Lee “The Killer” Lewis and country music singer Mickey Gilley. Reverend Swaggart is also musically gifted. However, instead of becoming an entertainer, he answered the call to spread the gospel of Jesus Christ.

Reverend Swaggart has devoted his life to advancing Christ’s ministry and kingdom. He began full-time ministry in 1955. Over the next seven decades, Reverend Swaggart used all forms of mass communication to spread the word of God around the world. Reverend Swaggart launched the SonLife Broadcasting Network which generates more than 3,000 hours of live programming each year with an audience reach capability of 2 billion people. Additionally, Reverend Swaggart has authored more than 60 books and thousands of pages of Bible commentary. Reverend Swaggart has also built schools, founded churches, and has conducted revivals around the world.

Reverend Swaggart’s commitment to Christ is nothing short of inspiring. On behalf of the people of Louisiana and all Americans, I extend my heartfelt thanks to Reverend Swaggart for his selfless service. May his birthday celebration be filled with love, joy, and appreciation.●

TRIBUTE TO KENDRA ADACHI

• Mr. CRAPO. Mr. President, with my colleague Senator TAMMY DUCKWORTH, we join in honoring Kendra Adachi, the Lazy Genius, for her devotion to time management and inspiring those around her. We thank her for speaking to the Senate Moms group.

Kendra Adachi is a two-time New York Times bestselling author of “The Lazy Genius Way” and “The Lazy Genius Kitchen.” She is the host of nationally ranked The Lazy Genius Podcast. Kendra has built her entire brand and career around a compassionate approach to time management in which she encourages others to stop doing it all for the sake of doing what matters. Kendra resides in North Carolina with her husband and three children.

Our staff lead the Senate Moms group, a bipartisan group of more than

200 moms employed by the U.S. Senate. The group’s regular meetings and internal resources in the Senate help working moms feel united and supported in navigating the Senate workplace and raising children in the Washington, DC, area.

Thank you, Kendra, for your inspiring work to motivate Senate Moms to help define what is most important so they can accomplish their daily tasks with empowerment. You have set an excellent example for the many moms who help keep the U.S. Senate functioning day-to-day. We wish you the best in all that may come your way.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Hanley, 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

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 12957 OF MARCH 15, 1995, WITH RESPECT TO IRAN—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to Iran that was declared on March 15, 1995, is to continue in effect beyond March 15, 2025.

The actions and policies of the Government of Iran continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I have determined that it is

necessary to continue the national emergency declared in Executive Order 12957 with respect to Iran and to maintain in force comprehensive sanctions against Iran to respond to this threat.

DONALD J. TRUMP.

THE WHITE HOUSE, March 7, 2025.

MESSAGE FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 3:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 11. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Ocean Energy Management relating to “Protection of Marine Archaeological Resources”.

The joint resolution was subsequently signed by the President pro tempore (Mr. GRASSLEY).

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 924. A bill making further continuing appropriations for the fiscal year ending September 30, 2025, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 10, 2025, she had presented to the President of the United States the following enrolled bill:

S.J. Res. 11. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Ocean Energy Management relating to “Protection of Marine Archaeological Resources.”

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-487. A communication from the Senior Bureau Official, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “U.S. Compliance with the Authorization for Use of Military Force in Iraq” received in the Office of the President pro tempore; to the Committee on Foreign Relations.

EC-488. A communication from the Senior Bureau Official, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled “Annual Report to Congress on the Interdiction of Aircraft Engaged in Illicit Drug Trafficking” received in the Office of the President pro tempore; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated: