

(2) spares), two hundred eight (208) Patriot Advanced Capability-3 (PAC-3) Missile Segment Enhancement (MSE) missiles, eleven (11) PAC-3 MSE test missiles, IBCS software, two (2) future operations—IBCS Engagement Operations Centers (EOCs), six (6) current operations—IBCS EOCs, six (6) engagement operations—IBCS EOCs, fifteen (15) Integrated Fire Control Network (IFCN) relays, four (4) Electrical Power Plants (EPP) III, and five (5) Multifunctional Information Distribution Systems/Low Volume Terminals (MIDS/LVTs). Also included with this request was communications equipment, tools and test equipment, range and test programs, support equipment, prime movers, generators, publications and technical documentation, training equipment, spare and repair parts, personnel training, Technical Assistance Field Team (TAFT), U.S. Government and contractor technical, engineering, and logistics support services, Systems Integration and Checkout (SICO), field office support, and other related elements of logistics and program support. The total estimated program cost was \$10.5 billion. Major Defense Equipment (MDE) constituted \$6.8 billion of that total.

This transmittal notifies inclusion of the following additional MDE items: seven hundred eighty-eight (788) PATRIOT Guidance Enhanced Missile-Tactical (GEM-T) missiles. There are no additional non-MDE items being reported with this notification. The estimated total value of the new items is \$5.8 billion. The estimated total MDE value will increase by \$5.8 billion. The non-MDE value will remain at \$3.7 billion. The total case value will increase by \$5.8 billion, resulting in a revised estimated total case value of \$16.3 billion. MDE will constitute \$12.6 billion of this total.

(iv) Significance: The proposed sale will improve Poland's capability to meet current and future threats by enabling it to field a credible force that can deter adversaries and participate in NATO operations.

(v) Justification: This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a NATO Ally that is an important force for political stability and economic progress in Europe.

(vi) Sensitivity of Technology:

The PATRIOT Guidance Enhanced Missile-Tactical (GEM-T) missile is one of the variants available to both U.S. forces and international customers. The GEM-T missile provides improved ability to defeat tactical ballistic missiles, cruise missiles, or enemy aircraft in complement to the PAC-3 missile. A modernized, digital fuze eliminates obsolescence and introduces significant performance improvements against tactical ballistic missile targets. This design increases sensitivity for improved performance against high-speed tactical ballistic missile targets.

The highest level of classification of defense articles, components, and services included in this potential sale is CONFIDENTIAL.

(vii) Date Report Delivered to Congress: May 15, 2025.

ARMS SALES NOTIFICATION

Mr. RISCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to

the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is still available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications that have been received. If the cover letter references a classified annex, then such an annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY
COOPERATION AGENCY,
Washington, DC.

Hon. JAMES E. RISCH,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 25-0H. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 24-45 of May 16, 2024.

Sincerely,

MICHAEL F. MILLER,
Director.

Enclosure.

TRANSMITTAL NO. 25-0H

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(b)(5)(C), AECA)

(i) Purchaser: Government of Ukraine.
(ii) Sec. 36(b)(1), AECA Transmittal No.: 24-45.

Date: May 16, 2024.
Implementing Agency: Army.
Funding Source: Foreign Military Financing.

(iii) Description: On May 16, 2024, Congress was notified by congressional certification transmittal number 24-45, of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of equipment and services for sustainment support of U.S. Army supplied vehicles and weapon systems, utilizing Blanket Orders, Cooperative Logistics Supply Support Arrangement (CLSSA), and/or Simplified Non-Standard Acquisition Program (SNAP), as well as other related elements of logistics and program support. The estimated total program cost was \$100 million. There was no Major Defense Equipment (MDE) associated with this sale.

This transmittal notifies inclusion of additional non-MDE equipment and services for sustainment support of U.S. Army supplied vehicles and weapon systems, utilizing Blanket Orders, Cooperative Logistics Supply Support Arrangement (CLSSA), and/or Simplified Non-Standard Acquisition Program (SNAP), and other related elements of logistics and program support. The estimated total value of the new items is \$200 million. The estimated non-MDE value will increase by \$200 million to a revised \$300 million. The estimated total case value will increase by \$200 million to a revised \$300 million. There is no MDE included in this potential sale.

(iv) Significance: This proposed sale will directly contribute to Ukraine's battlefield effectiveness through improved logistics and will contribute to more resilient and rapid repair cycle times.

(v) Justification: This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a partner country that is a force for political stability and economic progress in Europe.

(vi) Sensitivity of Technology:

The highest level of classification of defense articles, components, and services included in this potential sale is UNCLASSIFIED.

(vii) Date Report Delivered to Congress: May 16, 2025.

*As defined in Section 47(6) of the Arms Export Control Act.

NOMINATIONS FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Mr. PADILLA. Mr. President, I must object to the Senate proceeding to any of the four nominations pending on the Senate's Executive Calendar for the U.S. Environmental Protection Agency (EPA).

This objection is a direct result of the Agency's cynical attempt to weaponize the Congressional Review Act (CRA) by attempting to submit as "rules" three waivers issued to the State of California under the Clean Air Act (CAA). If this attempt is successful, the consequences will be far-reaching, not only for our clean energy economy, the air our children breathe, and for our climate, but for the future of the CRA and for the Senate as an institution.

The EPA has issued over 100 individual waivers or waiver-related decisions to California pursuant to the waiver authority that Congress passed with overwhelming bipartisan support in 1967. During administrations of both parties, for over 50 years, the EPA has never once submitted these waivers to the Government Accountability Office (GAO) or Congress as "rules" because the Agency knew that they were not rules. Even as EPA Administrators denied or attempted to withdraw a previously granted waiver, as under the George W. Bush and prior Trump administration, the EPA explicitly stated that their actions denying or withdrawing a waiver did not qualify as a rule.

During the first Trump administration, in 2019, the EPA attempted to use administrative procedures to rescind a waiver. The current Trump administration could pursue its own strategy from 2019 and again attempt to rescind these waivers administratively. Instead, it is choosing a much more reckless track, with far-reaching consequences for future Senate procedures. Perhaps because the EPA is firing so many of its own staff experts, they worry the Agency does not have the capacity to take an administrative route, so they must seek a made-up shortcut.

In 2022, a U.S. Senator sought GAO's legal opinion as to whether EPA's restoration of a prior waiver was a rule for the purposes of the CRA. GAO's legal opinion was clear: No, California's waivers are not rules. Further, GAO found that even if the waivers were somehow rules, they would *still* not be covered by the CRA because they would be rules of particular applicability which are not covered under the CRA.

Only now, in 2025, the EPA clumsily attempted—multiple times—to submit three of California's waivers to Congress. One might ask why they only submitted three of the six waivers issued under the prior administration if the Agency's viewpoint is suddenly that the California waivers are rules. EPA's press release announcing their intent to transmit the three California waivers to Congress makes clear that their intent is to have Congress overturn these three waiver decisions. And by attempting to use the CRA, they seek expedited procedures and a majority vote, instead of the Senate's usual cloture procedure and 60-vote threshold.

Thankfully, political appointees at executive branch Agencies do not have the ability to determine questions of privilege on the floor of the Senate, or the Senate floor would become a mockery. That role belongs to the non-partisan, expert Senate Parliamentarian. In this case, the Senate Parliamentarian has made a very clear determination that resolutions related to California's CAA waivers are not privileged under the CRA and can only be considered under regular order, and thus subject to cloture.

Importantly, the Parliamentarian's determination stands on the same foundation that has governed similar CRA determinations for nearly 20 years. It has long been established and respected by both parties that if an agency fails to submit a matter that is a "rule" under the CRA—whether by mistake or by an attempt to avoid congressional authority—that rule does not automatically escape scrutiny under the CRA. The Federal Agency doesn't get to be the final arbiter of what counts as a rule. Instead, any Member may go to GAO and ask for a legal opinion. If the GAO finds that the matter is a rule under the CRA's definition, then the Parliamentarian determines if the relevant resolutions can be considered under the CRA's expedited procedures if they meet the rest of the criteria.

Here, for the first time in the history of the CRA, an Agency submitted matters that they *knew* were not rules. Some of my Republican colleagues are now arguing that the Parliamentarian should have no role to limit this partisan gamesmanship, and the Senate should throw out the rulebook and overturn the Parliamentarian.

Why would we only look to the GAO and the Parliamentarian when an Agency refuses to submit something to dodge the CRA and not also when an Agency submits something in order to exploit the CRA? Just as the Parliamentarian determined that there should be a check against an Agency that tries to dodge the CRA by withholding a rule, the Parliamentarian has determined there should be a check when an Agency tries to exploit the CRA by submitting something that isn't actually a rule. This ensure the CRA process can't be abused in either

direction, and the Parliamentarian's decision protects the legislative branch from executive overreach.

But if the Trump EPA and Senate Republicans are successful at this ploy, the Senate will have no choice but to accept this as status quo in the future. This would grant Agencies unchecked control over the Senate floor, an unprecedented encroachment by the executive branch into the Senate's internal operations.

The current administration could submit any type of Agency action from prior administrations going back to 1996 to Congress and trigger the CRA's expedited procedures for related resolutions of disapproval. The Chairman of the Federal Communications Commission could submit broadcast licenses and other approvals for media outlets when he disapproves of their news coverage. The Secretary of Health and Human Services could submit approvals by the Food and Drug Administration that he disagrees with, such as vaccines, birth control, or mifepristone. Numerous Agencies could submit decisions related to specific organizations that are targets of the President's political retribution campaigns.

None of these actions are rules, which is why they have never been submitted to Congress as rules. But if my Republican colleagues open this door and overturn the Parliamentarian's wise safeguards on this type of abuse, there would be no practical limit, and the Senate could be forced to vote repeatedly on such matters that are clearly not "rules" notwithstanding the plain language of the CRA.

Further, a future Democratic administration could respond in kind. When it comes to the environment and climate issues, future Agency heads could submit individual fossil fuel project leases, loan agreements, or permitting approvals for congressional review, arguing that these are clearly highly significant Agency actions with wide-ranging impacts. LNG export terminals and major interstate and cross-border pipelines would be fair game. In other areas, there are many Trump administration actions—from immigration to foreign policy to unilateral budget and staff cuts by DOGE—for which a future administration and Congress could use the CRA.

Since this cynical attempt to weaponize the CRA was triggered by the administration's political leadership at the EPA, at the urging of their Big Oil allies, I must object to proceeding to any nominations for the EPA pending on the Senate's executive calendar. I will continue to object until the Agency withdraws its false submissions to Congress or the majority leader commits not to overturn the Parliamentarian's determination on this matter.

TRIBUTE TO HOWARD LUTNICK

Mr. SCOTT of Florida. Mr. President, I rise to recognize the efforts of Presi-

dent Trump and U.S. Secretary of Commerce Howard Lutnick on the U.S. Department of Commerce's decision to terminate the flawed 2019 Tomato Suspension Agreement. The termination of this agreement is a major win for Florida farmers and tomato growers across the country. By protecting our markets from being flooded by unfairly and artificially priced tomatoes, President Trump and Secretary Lutnick are standing up for American principles and the American farmer. I want to thank Secretary Lutnick for his commitment to ensuring our trade laws work to support American businesses and families.

ADDITIONAL STATEMENTS

TRIBUTE TO KIMBERLY STINSON

• Mr. BOOZMAN. Mr. President, I rise today to congratulate and recognize Kimberly Stinson of Bismarck on being named Arkansas's 2025 Small Business Person of the Year by the U.S. Small Business Administration.

As the owner of Lil Lions Daycare, Stinson has distinguished herself as a dedicated, active community leader and businesswoman.

During the COVID-19 pandemic, Stinson recognized that her community in Hot Spring County was in need of a licensed childcare center when she herself struggled to provide care for her young grandchildren. Realizing that other families were facing a similar situation, she took action, working with the Arkansas Small Business and Technology Development Center to craft a business plan and secure financing that included an SBA-backed loan.

By October of 2021, Stinson opened Lil Lions Daycare's doors after creating an exciting, safe environment for children to learn and play. Her husband Brian helped with building and construction—both pushing ahead in the face of adversity.

But the work did not end with the ribbon-cutting ceremony. Stinson continued to pursue and secure grants that helped her operation care for even more children, including those in foster care and low-income households during a time when local families needed this critical assistance the most.

Having no prior professional childcare experience, Stinson took it upon herself to complete over 400 hours of childcare courses and trainings through Arkansas State University. She then applied her new knowledge to develop a social-emotional learning curriculum that prioritizes mental, social, and physical growth.

Stinson has proved herself to be a passionate, empathetic entrepreneur with an eye for business and heart for community. Lil Lions has received recognition not only for its positive reputation, but for the unwavering care and personal investment Stinson and her team pour into the well-being of children.