

the standards by which FRB would evaluate their compliance with applicable laws and regulations.

In contrast, in B-281575, Jan. 20, 1999, we reviewed the Environmental Protection Agency's (EPA) interim guidance for investigating discrimination complaints related to EPA permits. In particular, the guidance departed from existing EPA procedures by requiring EPA to make an initial finding of whether there were discriminatory effects associated with the relevant permit, and, if so, notify the permit recipient and complainant and afford the recipient an opportunity to respond. We concluded that the guidance gave permit "recipients significant rights that they did not previously possess for obtaining dismissal of [a] complaint," and thereby affected the rights and duties of recipients, complainants, and the affected population.

Courts have also considered the reverse situation—namely when an agency revokes procedures providing non-agency parties with notice and an opportunity to submit information in an agency proceeding—and similarly concluded that those changes substantially impacted the non-agency parties. For instance, in *Brown Express*, the Interstate Commerce Commission (ICC) decided to end its practice of notifying other competing carriers when a carrier filed a petition for emergency temporary authority to provide services to a particular area. The court determined that the ICC's decision risked the agency not obtaining relevant information, that this risk could result in serious economic consequences to those affected, and that the decision had a substantial impact on the industry.

There are clear distinctions between the rules discussed in these two lines of decisions. The rules in B-329916 and B-336217 involved changes to previously established procedures for non-agency parties to submit information in agency proceedings. The changes affected those parties insofar as they changed the manner in which the parties submitted that information but did not alter their rights or obligations. Conversely, the rules in B-281575 and *Brown Express* involved the wholesale creation or termination of a non-agency party's right to receive notice of potential agency action and to submit information to the agency to inform the agency's determination and potentially affect the outcome of the proceeding. Therefore, the rules establishing or rescinding those procedures substantially affected the rights or obligations of the non-agency parties.

Here, the 2025 Policy Statement falls within the category of rules not subject to the exception. The previously applicable Richardson Waiver, like the rule at issue in B-281575, required notice to affected non-agency parties and an opportunity for those parties to submit information and views to inform the agency's decision. Specifically, the Richardson Waiver established a policy generally requiring HHS to use APA notice-and-comment procedures for otherwise exempt rules relating to public property, loans, grants, benefits, or contracts. These procedures require an agency to publish a notice of proposed rulemaking for such rules and provide interested persons an opportunity to comment on the proposed rule, thereby affording "affected parties fair warning of potential changes in the law and an opportunity to be heard on those changes—and . . . afford[ing] the agency a chance to avoid errors and make a more informed decision. Failure to follow such procedures can result in a reviewing court setting aside or vacating the rule. And even though APA exempts rules covered by the Richardson Waiver from the notice-and-comment procedures,

courts have determined that the Richardson Waiver subjected such rules to those procedures notwithstanding the exemption.

The 2025 Policy Statement rescinds the Richardson Waiver, meaning that the public will no longer have a judicially enforceable right to notice and opportunity to comment on such rules unless similar procedures are required by another statute. Like the rule in *Brown Express*, the Policy Statement eliminates non-agency parties' right to notice of agency proceedings and opportunity to submit information that could effect the agency's decisions—in this case, HHS rules that could impact those non-agency parties. Accordingly, we conclude that the Policy Statement substantially affects the rights of non-agency parties.

In its response, HHS states that the 2025 Policy Statement does not substantially affect the rights or obligations of non-agency parties because APA does not confer the right to comment on the categories of rules affected. In support, HHS cites *Azar v. Allina Health Services*, in which the Supreme Court stated that "[w]hile the APA requires many other agencies to offer public notice and a comment period before adopting new regulations, it does not apply to public benefit programs like Medicare." HHS further states that intervening law has rendered the Richardson Waiver largely obsolete, pointing to a provision in the Office of Federal Procurement Policy Act requiring notice-and-comment rulemaking for certain procurement rules.

HHS is correct that APA does not require agencies to provide an opportunity for public comment for the relevant categories of rules. But as discussed above, courts have determined that the Richardson Waiver imposed such requirements on HHS, and invalidated rules within those categories when HHS failed to follow APA notice-and-comment procedures. HHS has also contested the impact of the Richardson Waiver in more recent litigation, but the courts have either expressed skepticism with those assertions or rejected them outright.

In addition, HHS's statement regarding the obsolescence of the Richardson Waiver is belied by the 2025 Policy Statement itself, which states that the "obligations of the Richardson Waiver impose[d] costs on [HHS] and the public, [w]e're contrary to the efficient operation of [HHS], and impede[d] [HHS's] flexibility to adapt quickly to legal and policy mandates." These statements indicate that the Richardson Waiver continued to impact HHS rulemakings and these impacts were the reason for its rescission.

Based on the foregoing, the 2025 Policy Statement does not meet CRA's third exception.

CONCLUSION

The 2025 Policy Statement is a rule for purposes of CRA because it meets the definition of a rule under APA and no CRA exception applies. Therefore, the Policy Statement is subject to CRA's requirement that it be submitted to Congress and the Comptroller General before it can take effect.

EDDA EMMANUELLI PEREZ,
General Counsel.

VOTE EXPLANATION

Mr. BENNET. Mr. President, I was necessarily absent for rollcall vote No. 497, the confirmation of Sean Cairncross to be National Cyber Director. Had I been present for the vote, I would have voted nay.

I was necessarily absent for rollcall vote No. 498, the confirmation of Adam Telle to be Assistant Secretary of the

Army. Had I been present for the vote, I would have voted nay.

I was necessarily absent for rollcall vote No. 499, the confirmation of Marcus Molinaro to be Federal Transit Administrator. Had I been present for the vote, I would have voted nay.

VOTE EXPLANATION

Mr. GALLEG0. Mr. President, I missed the following vote, but had I been present, I would have voted no on rollcall vote No. 450, Confirmation of Executive Calendar No. 182 Thomas Gaiser, of Ohio, to be an Assistant Attorney General.

I missed the following vote, but had I been present, I would have voted no on rollcall vote No. 489, Motion to invoke cloture on Executive Calendar No. 151 Jason Reding Quinones, of Florida, to be United States Attorney for the Southern District of Florida for the term of four years.

I missed the following vote, but had I been present, I would have voted no on rollcall vote No. 490, Confirmation of Executive Calendar No. 151 Jason Reding Quinones, of Florida, to be United States Attorney for the Southern District of Florida for the term of four years.

I missed the following vote, but had I been present, I would have voted no on rollcall vote No. 491, Motion to invoke cloture on Executive Calendar No. 322 Jeanine Pirro, of New York, to be United States Attorney for the District of Columbia for the term of four years.

I missed the following vote, but had I been present, I would have voted no on rollcall vote No. 492, Confirmation of Executive Calendar No. 322 Jeanine Pirro, of New York, to be United States Attorney for the District of Columbia for the term of four years.

I missed the following vote, but had I been present, I would have voted yes on rollcall vote No. 497, Confirmation of Executive Calendar No. 266 Sean Cairncross, of Minnesota, to be National Cyber Director.

ADDITIONAL STATEMENTS

RECOGNIZING THE COLLEGE OF SOUTHERN IDAHO

• Mr. CRAPO. Mr. President, with my colleagues Senator JIM RISCH and Representatives MIKE SIMPSON and RUSS FULCHER, we celebrate a significant milestone for the College of Southern Idaho, CSI. This year marks the college's 60th anniversary, a testament to its enduring commitment to education and community.

For six decades, the College of Southern Idaho has been a vital institution of higher education, serving the Magic Valley and beyond. It has provided affordable, accessible, and high-quality education to countless students, empowering them to build brighter futures. CSI's impact extends far beyond its campus; it is a key driver of our regional economy, supplying a skilled

workforce for our local industries, from agriculture to healthcare to technology.

From its humble beginnings, CSI has grown into a beacon of opportunity. The college's mission has always been about more than just academics; it is about providing pathways to success for people from all walks of life. Whether it is a high school student taking dual-credit courses, a veteran seeking to learn a new trade, or a parent returning to school to finish a degree, CSI meets the community where they are. This dedication to lifelong learning and workforce development is what makes it such a special place.

This anniversary is not just a moment to look back, but an opportunity to look forward with optimism. The College of Southern Idaho continues to innovate, adapting its programs to meet the evolving needs of our State and our Nation. We are confident CSI will continue to be an engine of progress, shaping the next generation of leaders, entrepreneurs, and skilled professionals who will contribute to Idaho's bright future for the next 60 years and beyond.

We are incredibly proud of the students, faculty, and staff of CSI, both past and present. Their dedication has built an institution that fosters innovation, serves as a cultural hub, and strengthens the fabric of our communities. We send our heartfelt congratulations to the entire College of Southern Idaho family on this special occasion. May its next 60 years be as impactful and inspiring as the last.●

RECOGNIZING FRONTIER COMMUNITY RESOURCES

● Mr. CRAPO. Mr. President, with my colleagues Senator JIM RISCH and Representative MIKE SIMPSON, we celebrate the 50th anniversary of Region IV Development, doing business as Frontier Community Resources, that has been utilizing the work of professional staff to help create thriving, vibrant southern Idaho communities.

Founded in 1975 in Twin Falls, the organization is rooted in supporting access to resources. It has evolved over the decades to become a comprehensive economic development organization providing small business loans, technical assistance, and community development services across southern Idaho. Frontier Community Resources works closely with city and county officials, small business owners, local organizations, and community leaders to provide collaborative economic development, empowering commendable support for Idaho communities, especially rural communities. Through the organization's technical assistance, it provides hands-on support for important community projects, including water and sewer improvements, fire station construction, and community planning and revitalization. Frontier supports local businesses in accessing capital and helps with community project ad-

ministration, such as conducting meetings to receive public input and preparing funding applications.

The breadth of Frontier Community Resources' 25-person board of directors is indicative of its capacity to bring all aspects of economic development to the literal table to help rural communities succeed. Members of its board include representatives of Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls County Commissions, municipal elected and appointed officials, and individuals representing the education community and diverse private and public organizations.

Frontier Community Resources has been instrumental in leveraging Federal and State resources to assist with projects, such as the construction of the Gooding County Emergency Medical Services Station, the Lincoln County Youth Center, city park improvement projects in Murtaugh and Heyburn, downtown revitalization projects in Fairfield and Jerome, the expansion of Burley's industrial wastewater system, improvements to the Senior Connection in Hailey, and much more. Frontier regularly holds community workshops to inform the public about available resources and administers a South-Central Idaho Brownfield Revitalization Program, providing funding for environmental assessment and contamination clean-up. Frontier also houses the Rural Economic Development Services, REDS, Program, linking rural communities to economic development resources.

This community asset has provided resources to support small, local businesses, such as Silver Creek Hotel in Bellevue, 2nd South Market in Twin Falls, and Miracle Hot Springs in Buhl. Frontier Community Resources has also deservedly been recognized for its work as a pillar of economic development in the region. For example, it is the recipient of three 2025 Aliceann Wohlbruck Awards from the National Association of Development Organizations for its involvement in community initiatives ranging from childcare to affordable housing.

We recognize the considerable challenges Idaho communities, especially rural communities, face when trying to access needed resources to maintain and grow. Navigating the web of requirements, regulations, and paperwork takes considerable time, assets, and a workforce that many rural communities simply do not have.

The assistance and know-how the team at Frontier Community Resources brings to Idaho's rural communities offers more than new opportunities but also hope and encouragement. As we celebrate Frontier Community Resources' 50 years of contributions to strengthening an essential part of our great State, we commend the community leaders and partners who have shaped southern Idaho over the past five decades.●

TRIBUTE TO SARAH GUINThER

● Ms. HASSAN. Mr. President, I am honored to recognize Sarah Guinther of Bow as August's Granite Stater of the Month. Sarah donates half of the proceeds she makes from her cookie company, Maddi Hatter, to domestic violence support organizations and women's shelters.

Twelve years ago, Sarah started Maddi Hatter Cookie Company, named after her 9-year-old daughter Maddi, while continuing to work her full-time sales job. Sarah has always loved to bake, and she wanted to focus on becoming an expert in making cookies. As a survivor of domestic violence and as a survivor of child abuse, Sarah also knew that she wanted any business venture that she started to support organizations that helped other survivors. That is why from the outset, Sarah either donated her Maddi Hatter revenues to charity or invested them back in the business.

Today, Maddi Hatter has baked thousands of cookies and raised more than \$7,000 in donations and goods for charity. Maddi Hatter donates half of its profits to organizations that support survivors of domestic violence, has also donated proceeds to children in foster care, and has hosted toy and clothing drives. And if a family can't afford to buy a cake or cookies for a celebration, Sarah will work with them to make sure they have a sweet treat to celebrate with. She also donates cookies to the annual New Hampshire book festival, which helps promote reading among children and adults.

Sarah's dedication to supporting domestic violence survivors and giving back to her community is a true example of the Granite State spirit. Her generosity and understanding is why I am proud to name her August's Granite Stater of the Month.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Holstead, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate: