

Second, the Policy Notice is of future effect. An agency action of future effect is one “concerned with policy considerations for the future rather than the evaluation of past or present conduct.” The Policy Notice concerns the administration of the BEAD Program going forward and outlines changes that Eligible Entities and subgrantees will be required to make to their applications for the program. Therefore, the Policy Notice has future effect.

Third, the Policy Notice implements, interprets, and prescribes law or policy. An agency action implements, interprets, or prescribes law or policy when the action creates new regulations, changes regulatory requirements or official policy, or when it alters how the agency will exercise its discretion, among other things. The Policy Notice here implements the requirements of the BEAD Program outlined in IIJA by describing how NTIA will administer the program going forward and outlining the criteria Eligible Entities and subgrantees seeking funding under the program must meet. Furthermore, the Policy Notice prescribes policy by imposing new requirements on Eligible Entities. For example, it states that Eligible Entities “shall eliminate the following non-statutory requirements from BEAD application scoring, subgrantee agreements, and subgrantee reporting requirements[.]” and that “Eligible Entities are hereby prohibited from imposing any of the obligations removed by this Policy Notice on subgrantees as part of the BEAD Program.” In addition, the Policy Notice alters the requirements for the prioritization of projects under the program by providing a new definition of a “priority broadband project” to include technologies other than end-to-end fiber, which similarly implements and prescribes law or policy.

Our conclusion here is consistent with our previous decisions finding that agency actions implement, interpret, or prescribe law or policy when they define procedures by which potential recipients may apply for grant programs, and describe the process by which the agency will evaluate those applications. For example, in B-335488, Oct. 18, 2023, we considered whether a U.S. Department of Transportation (DOT) NOFO, which “outlined the precise eligibility and selection criteria for each program, as well as the types of projects eligible to receive DOT funding under each one” and changed the criteria used to evaluate applicants and make award decisions from a previous NOFO—including how certain criteria were rated—was a rule subject to CRA. We concluded that the DOT NOFO for three IIJA grant programs implemented or prescribed law or policy and described agency procedures, as it described the process by which eligible entities may apply for three grant programs and defined how DOT would evaluate these applications, among other things. Similarly here, the Policy Notice alters the criteria used to evaluate applications under the program and changes program requirements, as established by the BEAD NOFO. As a result, the Policy Notice also satisfies this element of the APA definition.

#### *CRA Exceptions*

We must next determine whether any of CRA’s three exceptions apply. CRA provides for three types of rules that are not subject to its requirements: (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties.

#### *(1) Rule of Particular Applicability*

The Policy Notice is a rule of general applicability, rather than particular applica-

bility. Rules of particular applicability are rules addressed to specific, identified persons or entities and determine actions that person or entity may or may not take, considering facts and circumstances specific to those persons or entities. Here, the Policy Notice does not apply to a particular entity. Instead, the Policy Notice applies to all Eligible Entities under the BEAD Program—all 50 states, the District of Columbia, and several territories—and notes that “[e]ach Eligible Entity must comply with this Policy Notice to gain approval of its Final Proposal from the Assistant Secretary.” Therefore, the Policy Notice is a rule of general applicability, rather than particular applicability.

#### *(2) Rule of Agency Management or Personnel*

The Policy Notice is not a rule of agency management or personnel. We have previously held that rules that fall into this category relate to purely internal matters. Because the Policy Notice is concerned with the administration of the BEAD Program, rather than management of NTIA or its personnel, it does not meet the second exception.

#### *(3) Rule of Agency Organization, Procedure, or Practice with No Substantial Effect on Non-Agency Parties*

Lastly, the Policy Notice is not a rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties. We have previously explained that this exception was modeled on the APA exception to notice-and-comment rulemaking requirements for “rules of agency organization, procedure, or practice.” The purpose of the APA exception is to ensure “that agencies retain latitude in organizing their internal operations,” so long as such rules do not have a substantial impact on non-agency parties. Following this interpretation in the CRA context, we have only applied CRA’s third exception to rules that primarily focus on the internal operations of an agency. For instance, in B-329926, Sept. 10, 2018, we found that updates to a Social Security Administration (SSA) hearings manual governing SSA adjudicators’ use of information from the internet qualified as a rule of agency organization, procedure, or practice. There, the manual outlined procedures for SSA employees to follow in processing and adjudicating benefits claims. Because the manual was directed to and binding only on SSA officials without imposing new burdens on claimants, we concluded that the manual met the third exception.

However, rules that are directed at and primarily concerned with the behavior of non-agency parties are not rules of agency organization, procedure, or practice. Here, the Policy Statement is primarily concerned with the behavior of Eligible Entities and subgrantees, rather than with the internal operations of NTIA itself. The Policy Notice prescribes actions program participants should and should not take in carrying out the BEAD Program. Therefore, it is not a rule of agency organization, procedure, or practice.

Moreover, the Policy Notice cannot fall under this exception because it also substantially affects the rights or obligations of non-agency parties. In the federal funding context, we have previously determined that rules amending or clarifying the requirements of existing financial assistance programs for non-agency parties substantially affect those parties’ rights or obligations. Where a rule modifies an existing financial assistance program through actions such as defining eligibility requirements and selection criteria, it has a substantial effect on non-agency parties who participate in the

program. Here, the Policy Notice modifies and clarifies how NTIA will administer the BEAD Program. Among other things, the Policy Notice eliminates certain requirements previously imposed on Eligible Entities and subgrantees through the BEAD NOFO; alters the criteria by which NTIA will evaluate applications; requires Eligible Entities to conduct an additional round of subgrantee selection after rescinding all preliminary and provisional subaward selections; and modifies the agency’s interpretation of statutory terms, such as “priority broadband project.” By changing the manner in which the BEAD Program is administered, these actions substantially affect the rights or obligations of non-agency parties participating in the BEAD Program. Therefore, the Policy Notice cannot fall into CRA’s third exception.

#### CONCLUSION

The Policy Notice 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 Notice 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.

#### H.R. 5100

Mr. MARKEY. Mr. President, I was prepared to come to the floor today to seek unanimous consent to pass H.R. 5100, a bill to temporarily extend the Small Business Innovation Research and Small Business Technology Transfer Programs until September 30, 2026.

However, because Senator ERNST is unavailable to state her objection to the bill, I have decided not to call for unanimous consent at this time.

I want to express my condolences to Senator ERNST, a combat veteran who served in the Iowa National Guard, for the tragedy in Syria that killed two and injured three Iowa National Guard members.

The bill I would have brought to the floor today would have re-opened the SBIR and STTR programs, which have been shut down now for more than 70 days. The bill was unanimously passed by the House, led by the Republican chairs of the House Small Business Committee and House Science Committee.

Since the SBIR and STTR programs closed their doors, I have heard from hundreds of small businesses across the country that are being forced to lay off employees, cease critical research, and may soon have to close their doors for good. Passing H.R. 5100 is not just a matter of policy; it is about whether small innovative companies can survive. This is the only real path that will immediately reopen this program while we continue to negotiate. Each day the program is shut down, the further behind our innovation economy falls.

The fate of this program lies in the hands of six negotiators: the chair and ranking member of the Senate Small Business Committee, the chair and ranking member of the House Small Business Committee, and the chair and ranking member of the House Science

Committee. Five of these six negotiators agree that the best path forward is to temporarily extend the SBIR and STTR programs, to keep them running while we continue to negotiate reforms and a longer reauthorization. We have been working to try and find a path forward for a long-term reauthorization and will continue to do so, but we have yet to find a solution that does not irreparably harm innovative small businesses, nor have we found a solution that meaningfully addresses foreign due diligence concerns. The SBIR and STTR programs have produced technologies that have changed Americans' lives: the world's smallest heart pump, new cancer therapies, Alzheimer Disease treatments, GPS, and Qualcomm wireless communications systems.

I am disappointed that these programs have been forced to shut down, ending funding for the most cutting-edge technologies being developed by our most nimble allies, small businesses. I am disappointed that a company in Pennsylvania may have to cease scaling their patented brake technology due to the lapse in the programs. I am disappointed that a company in Virginia producing the next generation of energy technologies is being forced to put their research on hold until these programs are reopened. And I am disappointed that a company in Texas must put its progress towards unlocking unprecedented spacecraft maneuvering for our Agencies on hold.

Just because we are unable to come to a long-term solution today does not mean we should decimate a critical part of our innovation ecosystem by keeping these programs closed. In May, I introduced a 52-page bill with my long-term vision for the programs. I want to provide small businesses with the certainty they deserve by making the programs permanent, ensuring we do not watch the clock hit zero like this again.

I want to increase how much Agencies are required to allocate for these programs to maximize our innovation potential. I want to strengthen our commercialization efforts through allowing direct to phase II authority for all Agencies, as well as better data collection, better training, and specifically designated commercialization officers. I want to increase the number of new entrants by reauthorizing and codifying new programs that aim to reach underserved populations. And, like all of my colleagues, I want to make sure that our technology never falls into the hands of our adversaries.

That is why I want to continue the bipartisan foreign due diligence program enacted in 2022, which has already successfully identified and mitigated foreign risk in its short period of implementation. If it were just up to me, I would want my bill to pass tomorrow. However, I understand that is not possible. That is why I have joined the four House negotiators in sup-

porting a temporary extension while we figure out the long-term path forward that not only preserves our innovation ecosystem but supercharges it.

As a long-time champion of the SBIR and STTR programs, I will continue to fight to protect the innovation ecosystem and the small businesses that support it.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO KEVIN SEMPRINI

• Ms. HASSAN. Mr. President, I am honored to recognize Kevin Semprini of Portsmouth as December's Granite Stater of the Month for his work to bolster public safety in his community.

Growing up in Portsmouth, Kevin looked up to the police officers in his neighborhood, admiring the way they worked to foster a strong community. Kevin knew from an early age that he wanted to be a part of that mission, and when he was old enough, he joined the police force.

Soon after joining the force, Officer Semprini saw that there was a need to improve child safety in New Hampshire and worked with the Portsmouth police chief to create a new school safety program. His work took him to local schools where he helped elementary school students learn about safety. Because students had some trouble pronouncing his last name, they quickly landed on a nickname for him, a new name that reflected the warmth and comfort he conveyed: Officer Friendly. It is a nickname that has stayed with him for the rest of his career.

In the years that followed and as the police department continued to evolve, a new chief of police from California introduced Officer Semprini to the DARE program. Officer Semprini worked with the State to pilot the program, which eventually expanded statewide. Officer Semprini also pioneered the school resource officer program at Portsmouth High School and organized local toy drives for the holidays.

As he retires, Officer Semprini carries with him the thanks of the people of Portsmouth and all Granite Staters for his 46 years of service and his steadfast protection of the children of New Hampshire. Officer Semprini's commitment to improving children's safety is a true example of the Granite State spirit of going the extra mile to protect your community. His lifelong work to support Portsmouth students makes me proud to name him December's Granite Stater of the Month. •

##### REMEMBERING CAPTAIN WILLIAM "BILL" CROW

• Mr. Kaine. Mr. President, on behalf of myself and my colleague Senator MARK WARNER, I rise today to honor the life and service of Retired U.S. Navy CAPT William "Bill" Crow, a man whose contributions to our Na-

tion's defense and to the shipbuilding industry were matched only by the warmth, generosity, and joy he brought to everyone who knew him.

Bill was born on December 20, 1957, in Morganfield, KY, a place he loved dearly and held closed to his heart despite his wide-ranging travels.

After graduating from the U.S. Naval Academy in 1980, Bill embarked on a distinguished 30-year career as a naval officer, serving in various assignments including as chief engineer on USS *Pharris* (FF-1094), assistant operations officer of Commander Destroyer Squadron Twenty-Six, chief engineer on USS *Briscoe* (DD-977), material officer for Commander Destroyer Squadrons Ten and Two, executive officer of USS *Peterson* (DD-969), commanding officer of USS *Austin* (LPD-4), and training and readiness assistant chief of staff for Commander of Amphibious Group Two. He held shore commands at Naval Station Norfolk, Naval Amphibious Base Little Creek, and became the first Commanding Officer of Joint Expeditionary Base Little Creek-Fort Story. Throughout his naval career, Bill was a dedicated public servant and a great leader, mentor, and friend.

Following his retirement from the Navy, Bill continued his service as president of the Virginia Ship Repair Association for 13 years. In that role, he represented hundreds of member companies across Hampton Roads, strengthening a vital industry that supports both Virginia's economy and our national security. His leadership left a lasting impact on the ship repair community, congressional leaders, and the defense industrial base.

Bill lived a life of faith and loved his family and friends deeply. He was incredibly proud of his children John, Karen, Sara, and Kevin and shared a beautiful marriage with his beloved wife of 40 years, Jeanne. Bill made friends with everyone he met and shared his joy widely especially with his booming laugh. Bill spent the last nights of his life surrounded by the family who brought him joy through his entire life.

Bill's passing is a loss to all who loved him but also to the Commonwealth of Virginia. His dedication to public service, community involvement and joyful life lived on principle were a blessing.

We remember Bill today not only for his distinguished service to the Navy and the ship repair industry, but for his faith, his family, his friendships, and the joy he brought to all who knew him. We will miss him dearly. •

##### TRIBUTE TO ADRIENNE A. JONES

• Mr. VAN HOLLEN. Mr. President, I rise today to recognize the Honorable Adrienne A. Jones, who concluded her historic tenure as speaker of the Maryland House of Delegates on December 4, 2025.

A native of Baltimore County, Speaker Jones has dedicated her life to