

Sullivan	Tillis	Wicker
Thune	Tuberville	Young
NAYS—47		
Alsobrooks	Hickenlooper	Rosen
Baldwin	Hirono	Sanders
Bennet	Kaine	Schatz
Blumenthal	Kelly	Schiff
Blunt Rochester	Kim	Schumer
Booker	King	Shaheen
Cantwell	Klobuchar	Slotkin
Coons	Lujan	Smith
Cortez Masto	Markey	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Fetterman	Murray	Warren
Gallago	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Hassan	Peters	Wyden
Heinrich	Reed	

NOT VOTING—2

McConnell Risch

The PRESIDING OFFICER (Mr. RICKETTS). On this vote, the yeas are 51, and the nays are 47. The motion is agreed to.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Daniel E. Burrows, of Colorado, to be an Assistant Attorney General.

The PRESIDING OFFICER. The Senator from Indiana.

DEPARTMENT OF HOMELAND SECURITY

Mr. BANKS. Mr. President, on February 3, an illegal immigrant from Kyrgyzstan who was allowed into the United States under Joe Biden in 2023 killed four people on State Road 67 in Indiana—not far from where I live.

He drove a semitruck head-on into a van. That van was carrying a 50-year-old father and two boys who were only 19 and 25 years old, along with a family friend, and they were all from a local Amish community, and now they are all dead.

I am angry about it. I have had enough of it because it is stories like this that show why mass deportations matter and why they are needed now more than ever. At least seven Hoosiers have died on Indiana highways in the past 6 months because of illegal immigrants recklessly driving on our roads and at least eight more have been seriously injured and those are just the cases that I know about.

In November, an illegal immigrant with a fake green card crashed his SUV into a van killing the 76-year-old driver from Decatur—again, not far from Columbia City where I live—before fleeing the scene. The illegal immigrant also seriously injured three innocent drivers in that same crash.

Shortly before that accident, an illegal immigrant who was driving drunk and without a license crashed his car into two young parents who were on their way to pick up their kids from their grandparents' house. The young couple was seriously injured. I have

seen images of the wreck, and they are lucky to be alive.

Just a couple of days before that, an illegal immigrant from the country of Georgia was driving a truck and towing a trailer when he swerved abruptly and forced a military Humvee off the road. That crash killed Hoosier National Guardsman Terry Frye and seriously injured three others. Terry was just 23 years old.

In October, an illegal immigrant driving a semitruck killed a 54-year-old man on Highway 20 in Indiana when he failed to stop in traffic. That illegal immigrant had a fake trucking license and opened a trucking company that received a \$35,000 loan in taxpayer dollars funded through PPP.

At least seven innocent Hoosiers have died in their own State because of illegal-immigrant drivers. Every single one of these deaths were preventable. Every single one of these deaths happened because someone who shouldn't have been in our country in the first place got behind the wheel and killed American citizens.

Most of the deaths were at the hands of illegal immigrants driving semitrucks. Trucking is an incredibly important industry in my State because Indiana sits at the crossroads of the country. In fact, our State motto is literally "The Crossroads of America."

Indiana is the fifth busiest State in the country for commercial traffic freight. Each year, 724 million tons of freight travels through Indiana.

I speak to truckers regularly, and they are outraged by what is happening. One of my friends who works in the trucking industry said many trucking companies are hiring illegal immigrants to drive their trucks because they can pay them less. That takes jobs away from hard-working Americans. They would rather take care of their bottom line than put safe and trustworthy drivers out on the road.

We have to hold those trucking companies accountable for endangering us all. In fact, the truck that killed four Hoosiers last week belonged to a shady trucking company that the industry refers to as a "chameleon carrier." "Chameleon carriers" are trucking companies that after being shut down or heavily fined by the Federal Motor Carrier Safety Administration, just disguise themselves by changing their name or address or Department of Transportation number to continue operating.

Many of these "chameleon carriers" are run by foreign nationals. The Government Accountability Office has said that "chameleon carriers" are three times more likely to be involved in serious crashes than legitimate operators.

Not only are illegal immigrants and foreign nationals running illicit trucking companies but Democrat States like California and New York and Pennsylvania are giving out commercial driver's licenses to illegal immigrants like they are Halloween candy.

In fact, 50 percent of CDLs reviewed by the Department of Transportation in New York had been issued improperly.

The driver of the truck that killed Indiana National Guardsman Terry Frye got his CDL from New York after he was waved across the border by the Biden administration in 2022. When police arrived at the scene of the crash, they reported there was a "language barrier" and that a translator was needed at the scene.

How could anyone give this guy a CDL to begin with? If he couldn't even talk to police, do we really believe that he could read our road and traffic signs? Do we really think that illegal immigrants who can't even speak English can obey our road rules?

The law doesn't think so. Federal regulations require that commercial truck drivers be proficient in English. Think about how insane this is. You get into the country illegally, you are living in violation of Federal law, but Democrat politicians in blue States violate the law and let you drive an 18-wheeler across State lines.

It is more than just insane. It is dangerous and deadly, and it is this reckless policy that is getting people killed in Indiana. So while Hoosiers are being killed in their own State by illegal immigrants, what are Democrats this week doing in Congress?

They are trying to cut funding to ICE. They are working to prevent illegal immigrants from being taken off of our streets.

We have a Federal Agency whose job it is to enforce immigration law and remove people who are here illegally, but Democrats want to defund that Agency. They want to tie ICE's hands while illegal-immigrant truckers are killing Americans on our highways. This is a deliberate choice to prioritize illegal immigrants over American citizens.

This has to stop, and it has got to stop right now. We need to support President Trump's efforts to deport every illegal immigrant out of this country. We are not doing enough to get them off of our roads as you can see in my State of Indiana.

Every day that we wait, every day that Democrats want to play petty politics, we run the risk of more Americans and more Hoosiers dying on our highways.

ICE needs more resources, not fewer, so that we can get illegal immigrants off of our streets and out of semitrucks driving on our highways. Hoosiers have had enough. I have had enough. It is time that Congress starts acting like American lives were worth protecting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

ORDER OF BUSINESS

Mr. BANKS. Mr. President, I ask unanimous consent that notwithstanding rule XXII, all postcloture time be expired and the Senate vote on confirmation of the Burrows nomination at 11:30 a.m. tomorrow, and if any

nominations are confirmed during Tuesday's session of the Senate, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BANKS. Mr. President, I ask unanimous consent that the Senate be in 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.

VOTE EXPLANATION

Ms. KLOBUCHAR. Mr. President, I was unable to cast a vote on rollcall vote No. 623, passage of H.J. Res. 130, disapproving the Bureau of Land Management resource management plan that made certain land managed by the Buffalo Field Office unavailable for new coal leases.

Had I been present, I would have voted against the measure as I had voted against the identical Senate companion, S. 89, the day before, rollcall vote No. 621. The Congressional Review Act is not the appropriate tool for reversing Bureau of Land Management decisions that are developed with years of analysis and public engagement.

GOVERNMENT ACCOUNTABILITY OFFICE OPINION LETTER

Ms. WARREN. Mr. President, I ask unanimous consent to have printed in the RECORD the GAO opinion letter dated January 16, 2026.

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

DECISION

Matter of: National Credit Union Administration—Applicability of the Congressional Review Act to Withdrawal of Fee Reporting Requirements.

File: B-337673.

Date: January 16, 2026.

DIGEST

In March 2025, the National Credit Union Administration (NCUA) announced that it would no longer require federally insured credit unions with more than \$1 billion in assets to disclose income from overdraft and non-sufficient funds fees, and NCUA therefore ceased publishing this information for individual credit unions (withdrawal of the Reporting Requirements). NCUA stated that it would continue to collect this information as part of its separate credit union examination process and would continue publishing this information in aggregated form.

The Congressional Review Act (CRA) requires that before a rule can take effect, an agency must submit the rule to both the House of Representatives and the Senate, as well as the Comptroller General. CRA adopts the definition of a rule under the Administrative Procedure Act (APA) but excludes certain categories of rules from coverage. We conclude that the withdrawal of the Report-

ing Requirements meets the APA definition of a rule, and no CRA exception applies. Therefore, the withdrawal of the Reporting Requirements is a rule subject to CRA's submission requirements.

DECISION

In March 2025, the National Credit Union Administration (NCUA) announced that it would no longer require federally insured credit unions (FICUs) with more than \$1 billion in assets to disclose income from overdraft and non-sufficient funds (NSF) fees, and NCUA therefore ceased publishing this information for individual credit unions (withdrawal of the Reporting Requirements). NCUA stated that it would continue to collect this information as part of its separate credit union examination process, the results of which are not made public at the individual credit union level. We received a request for a decision as to whether the withdrawal of the Reporting Requirements is a rule for purposes of the Congressional Review Act (CRA).

Our practice when rendering decisions is to contact the relevant agencies to obtain factual information and their legal views on the subject of the request. Accordingly, we reached out to NCUA on July 30, 2025. We received NCUA's response on August 14, 2025.

BACKGROUND

NCUA's Role and Responsibilities

NCUA is an independent federal agency which "insures deposits at [FICUs], protects the members who own credit unions, and charters and regulates federal credit unions," and is under the management of the National Credit Union Administration Board. NCUA also administers the National Credit Union Share Insurance Fund which insures members' deposits in FICUs.

All natural person credit unions are required to submit reports to NCUA on a quarterly basis. These reports, known as Call Reports, are required by the Federal Credit Union Act and include information such as the credit union's assets, liabilities, and capital, as well as income and expenses. According to NCUA, "Call Report data serves a regulatory and public policy purpose by assisting . . . NCUA in fulfilling its mission of ensuring the safety and soundness of individual FICUs and the credit union system." Call Report data is made publicly available on NCUA's website and is published in both aggregated and disaggregated form.

In addition to the Call Report requirement, NCUA also carries out its oversight of federal credit unions through its examination, supervision, and enforcement programs. NCUA "is authorized to examine any insured credit union or any credit union making application for insurance of its accounts," which may include "all records, reports, contracts to which the credit union is a party, and information concerning the affairs of the credit union." Unlike data from quarterly Call Reports, examination reports are not publicly available and, according to NCUA, are exempt from release under the Freedom of Information Act (FOIA).

The Reporting Requirements

Beginning in the first quarter of calendar year 2024, NCUA required FICUs with more than \$1 billion in assets to submit their year-to-date revenues from overdraft and NSF fees in their quarterly Call Reports. NCUA continued to collect and analyze these data in Call Reports in 2024.

Then, in advance of the March 31, 2025, Call Report Cycle, NCUA announced that it would no longer be collecting overdraft and NSF fee data from FICUs as part of the quarterly Call Reports, thereby withdrawing the Reporting Requirements. NCUA's Press Statement, which identifies the withdrawal

of the Reporting Requirements as a "policy change," notes that "NCUA will collect overdraft and NSF fee data as part of the examination process. The agency will continue to publish overdraft and NSF fee income data in the aggregate once updates to its examination system are complete." As a result, information regarding overdraft and NSF fees for these credit unions would no longer be published on a public, individualized basis.

The Congressional Review Act

CRA, enacted in 1996 to strengthen congressional oversight of agency rulemaking, requires federal agencies to submit a report on each new rule to both houses of Congress and to the Comptroller General for review before a rule can take effect. The report must contain a copy of the rule, "a concise general statement relating to the rule," and the rule's proposed effective date. CRA allows Congress to review and disapprove of federal agency rules for a period of 60 days using special procedures. If a resolution of disapproval is enacted, then the new rule has no force or effect.

CRA adopts the definition of rule under the Administrative Procedure Act (APA), which states that a rule is "the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency." However, CRA excludes three categories of rules from coverage: (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.

NCUA did not submit a CRA report to Congress or to the Comptroller General on the withdrawal of the Reporting Requirements. In its response to us, NCUA provided additional information and stated that it believed the withdrawal of the Reporting Requirements involves a change to an information collection under the Paperwork Reduction Act (PRA), and therefore is not a rule subject to review under CRA. As explained below, we conclude that the scope of CRA does not automatically exclude agency action subject to the PRA. Instead, the agency action must be analyzed under CRA.

DISCUSSION

At issue here is whether the withdrawal of the Reporting Requirements meets CRA's definition of a rule, which adopts APA's definition of a rule with three exceptions. As explained below, we conclude that the withdrawal of the Reporting Requirements meets the APA definition, and no exceptions apply. Therefore, the withdrawal of the Reporting Requirements is a rule subject to CRA's submission requirements.

The Withdrawal of the Reporting Requirements is a Rule Under APA

Applying APA's definition of a rule, the withdrawal of the Reporting Requirements meets all of the required elements. First, the withdrawal of the Reporting Requirements is an agency statement because it was effectuated through NCUA's Call Report update and was announced by NCUA's chairman in an agency press statement. NCUA is an independent federal agency within the executive branch. Second, the withdrawal of the Reporting Requirements is of future effect because it describes changes to the information certain FICUs are required to provide when submitting future Call Reports, beginning with the March 31, 2025, Call Report cycle.

Third, the changes to the Reporting Requirements implement or prescribe law or policy. An agency action implements, interprets, or prescribes law or policy when the