

(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.