

the foundation and its work, and the foundation has honored Senate McCain's legacy through the John S. McCain III National Center for Environmental Conflict Resolution.

This legislation does not increase authorization levels for the foundation. It simply extends current levels through the end of fiscal year 2028 to allow the foundation to continue its important work.

I yield the floor.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY RELATING TO "CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES: HEAVY-DUTY ENGINE AND VEHICLE STANDARDS"—Continued

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I rise today in strong opposition to S.J. Res. 11, the Congressional Review Act resolution to disapprove of the Biden administration's clean air standards for heavy-duty trucks.

If enacted, this resolution would wipe away EPA's most recent final rule that addresses smog- and soot-forming pollution from our largest trucks and engines. The resolution could also prevent the Agency from ever issuing similar standards in the future.

This Congressional Review Act resolution is bad for public health. It is bad for our economy.

As many of us know, the transportation sector is one of our Nation's largest sources of nitrogen oxides, also known as NO_x emissions. Heavy-duty vehicles—such as our schoolbuses and long-haul trucks—make up a third of mobile source NO_x emissions.

Nitrogen oxide pollution is one of the main contributors to ozone pollution, or smog, and also contributes to soot pollution. These harmful air pollutants are linked to increased risks of asthma attacks, respiratory disease, and, sadly, in some cases, premature death.

In December 2022, I joined clean air advocates, labor leaders, and EPA Administrator Regan as he signed the final rule to reduce this pollution from new heavy-duty vehicles starting with model year 2027. This was the first time in more than 20 years that EPA had updated the heavy-duty vehicle NO_x requirements. It should not be confused with EPA's recently proposed greenhouse gas emissions standards for vehicles.

During the event, Administrator Regan told attendees that this rule would result in 48 percent reduction in NO_x by 2045—48 percent reduction in nitrogen oxide emissions by 2045. These reductions will improve air quality nationwide, especially in areas overburdened by air pollution and diesel emissions.

Reducing vehicle pollution nationwide is especially personal for us in

Delaware, where more than 90 percent of our air pollution comes from outside of our State.

The Heavy-Duty Vehicle NO_x Rule is good for our health and good for our economy. With that, I want to give my colleagues three reasons why they should vote against Senator FISCHER's CRA resolution.

First, the Heavy-Duty NO_x Rule enables States to better meet EPA's health-based ozone air quality standards. Without the rule, States would have to make costly decisions and find more expensive ways to further reduce NO_x emissions to meet ozone attainment. That is why many States and local air quality directors, including those in Arizona, Ohio, and Nevada, petitioned EPA in 2016 to take action on NO_x emissions from heavy-duty vehicles.

In the same vein, I would like to ask unanimous consent to submit for the RECORD a letter opposing S.J. Res. 11 from the National Association of Clean Air Agencies, which is an association that represents the State's clean air offices.

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

NATIONAL ASSOCIATION OF
CLEAN AIR AGENCIES,
Washington, DC, April 25, 2023.

Hon. CHUCK SCHUMER,
Senate Majority Leader, U.S. Senate, Washington, DC.

Hon. TOM CARPER,
Chair, Committee on Environment & Public Works, U.S. Senate, Washington, DC.

Hon. MITCH MCCONNELL,
Senate Minority Leader, U.S. Senate, Washington, DC.

Hon. SHELLEY MOORE CAPITO,
Ranking Member, Committee on Environment & Public Works, U.S. Senate, Washington, DC.

DEAR SENATORS SCHUMER, MCCONNELL, CARPER, AND CAPITO: We write to you today on behalf of the National Association of Clean Air Agencies (NACAA) regarding S.J. Res. 11, introduced in the U.S. Senate on February 9, 2023, under which the U.S. Congress would disapprove the U.S. Environmental Protection Agency's (EPA) final rule, "Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards," published in the Federal Register on January 24, 2023 (88 Fed. Reg. 4296). NACAA is the national, nonpartisan, non-profit association of 157 state and local air pollution control agencies in 40 states, the District of Columbia and five territories. The views expressed in these comments do not represent the positions of every state and local air pollution control agency in the country.

On May 16, 2022, NACAA submitted written comments to EPA on the agency's proposed rule to set cleaner standards for nitrogen oxide (NO_x) emissions from heavy-duty (HD) trucks. These comments emphasize the importance of EPA's final HD truck NO_x rule to state and local efforts across the nation to protect people's health, achieve and maintain clean air, and advance environmental justice goals.

Americans in every part of the country urgently need improvements in NO_x emissions from onroad HD vehicles. Among our comments to EPA, NACAA included specific examples from state and local air agencies of

the array of circumstances necessitating NO_x reductions. Below, we highlight some of the other key points made in our comments.

During the nearly eight years before EPA promulgated this final rule NACAA urged the agency on multiple occasions to set more protective HD truck NO_x standards. Prior to the 2023 rule, EPA last set federal HD truck NO_x emission standards in 2001. Given the interstate nature of trucking—both cross-border operations and downwind atmospheric transport—federal standards are necessary to achieve the broad NO_x reductions needed across the nation. Over the past two decades, technological advances to reduce HD truck NO_x emissions have grown significantly as has the potential for even further advances. At the same time, emission limits for most other major NO_x sources, such as power plants, generators, and industrial facilities, have repeatedly become more restrictive. Unless EPA took this federal action, HD trucks were on course to remain one of the largest contributors to the national mobile source NO_x inventory in 2028.

There is a looming crisis facing many state and local clean air agencies across the nation. Currently, more than one-third of the U.S. population lives in an area that does not meet the health- and welfare-based National Ambient Air Quality Standards (NAAQS) for ozone, particulate matter (PM) or both. Many of these areas are overburdened communities whose citizens are exposed to a disproportionate share of harmful environmental conditions. The excessive emissions from HD trucks are a primary cause, contributing substantial emissions of NO_x—which are linked with a large number of adverse impacts on the respiratory system. In addition, NO_x is the key pollutant contributing to the formation of ozone and PM_{2.5} and exposure to elevated levels of ozone and PM_{2.5} are associated with significant respiratory and cardiovascular impacts, including premature death.

While state and local air agencies have made great strides in reducing emissions from stationary sources. However, many state and local air agencies lack the authority to regulate mobile sources and never have the authority to regulate mobile sources upwind of or outside their borders. The regulation of mobile sources is an authority that lies almost entirely within the purview of the federal government. While some states and localities may be able to pursue "California" standards under Clean Air Act sections 209 and 177, most are precluded by state policies or legislation from adopting standards more stringent than those of the federal government.

Unfortunately, emission standards for this highway heavy-duty "federal source" did not keep pace with standards for the light-duty motor vehicle sector or stationary sources, and fell far short of what is needed to meet clean air, public health protection and environmental justice goals. As large swaths of the country slip deeper into nonattainment, or teeter on the cusp of it, many state and local air agencies are left with few remaining mechanisms to achieve the emission reductions the Clean Air Act demands. Areas that miss their attainment deadlines face the threat of "bump-up" to a more demanding classification of nonattainment—if they are not already classified as Extreme—and statutorily required economic sanctions if they fail to meet their attainment deadlines. On October 7, 2022, EPA bumped up over 25 areas in nonattainment of the 2008 and 2015 ozone NAAQS, meaning the citizens of these areas continue to suffer the detrimental impacts of unhealthful air.

Our nation is in need of a strong, sustainable transportation strategy with top priority placed on new federal programs to continue to protect people's health and reduce

emissions from the mobile source sector. As this strategy is developed, the need for meaningful reductions in criteria pollutant emissions, especially NO_x and PM, cannot be overlooked. Regarding attainment and maintenance of the ozone NAAQS, most areas of the country are “NO_x-limited,” meaning that reducing NO_x emissions is the key to success. In addition, research shows that in some areas of the country, such as much of the East Coast, NO_x reductions are now “supercharged,” meaning that a one-pound reduction in NO_x emissions equals more than one pound of ozone reduction. Failure to adequately address transportation-related NO_x sources will have a direct and consequential impact on state and local air agencies’ abilities to protect the health of the public they serve and their ability to fulfill their statutory obligations to attain and maintain federal health-based air quality standards by mandated deadlines and achieve their environmental justice goals.

EPA has now taken essential federal action that will result in significant NO_x reductions from HD trucks. Cleaning up this sector is imperative to putting our nation on a path to attaining and maintaining the health-based NAAQS and protecting our nation’s most vulnerable communities. Without this rule, many areas will be forced to adopt severe limits on stationary sources, for which they have authority to control, at ever-increasing costs to businesses. Even with these severe limits, there may not be enough NO_x reductions available to protect people’s health and meet federal air quality standards.

We thank you for considering the information provided in this letter and NACAA’s May 16, 2022, comments to EPA on the HD truck NO_x rule. If you have any questions or would like further information please do not hesitate to contact us or Miles Keogh, Executive Director of NACAA.

Sincerely,

TRACY R. BABBIGE,
*Connecticut, State Co-
Chair, NACAA Mo-
bile Sources and
Fuels Committee.*

ERIK C. WHITE,
*Placer County, Cali-
fornia, Local Co-
Chair, NACAA Mo-
bile Sources and
Fuels Committee.*

Mr. CARPER. Second, these standards are achievable, and they provide predictability for industry, which the blunt tool of the CRA would undercut.

Companies such as Cummins and others in the heavy-duty vehicle industry support the Heavy-Duty NO_x Rule. The CRA would reinstate a decades-old standard based on outdated air pollution control technology, while potentially blocking EPA from ever—adopting stronger standards.

Finally, if enacted, this CRA would negate the cumulative \$200 billion in net benefits that the rule would generate between 2027 and 2045. These are the annual health and economic benefits that, by 2045, include: up to—listen to this—up to 2,900 fewer premature deaths—in 1 year—in 1 year; also, in 1 year, 6,700 fewer hospital admissions and emergency room visits; also, in 1 year, 18,000 fewer cases of childhood asthma; and, finally, in 1 year, 3.1 million fewer cases of asthma.

These improvements will be especially beneficial for the 72 million peo-

ple living near truck freight routes, where many historically disadvantaged and underserved communities are disproportionately exposed to harmful ozone pollution.

Let me conclude by saying that the Heavy-Duty NO_x Vehicle Rule protects public health and benefits our economy. That is a good combination. These protective and achievable Clean Air Act standards reduce dangerous smog and soot pollution and provides certainty for our Nation’s heavy-duty vehicle manufacturers and for our State.

Walking away from all the benefits generated by this rule doesn’t make sense. That is why I call on my colleagues to join me in opposing S.J. Res. 11.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I ask unanimous consent to speak for up to 3 minutes.

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

Mrs. FISCHER. Mr. President, today, the U.S. Senate will vote on my Congressional Review Act resolution to overturn the Biden administration’s rule establishing stricter emissions standards for heavy-duty vehicles.

My Republican colleagues have joined me in this effort. Senator MANCHIN announced today that he is cosponsoring my legislation. I hope more of my Democratic colleagues will join us as well.

This Environmental Protection Agency rule is an aggressive mandate on truckers that would force them to purchase new, expensive equipment, burdening their work and livelihoods. The irony of this rule is that it would undermine its own stated goal of reducing emissions.

New emissions standards will increase demand for newer, environmentally cleaner trucks. But there are only so many of these new trucks, so the massive increase in demand will cause the prices of trucks and manufacturing equipment to spike.

Truck dealers and manufacturers say the rule will “worsen an already-tight equipment market.” And the EPA itself estimates that the technology required to meet this new rule’s standards will cost between \$2,568 and \$8,304 more per vehicle.

The irony is, the prices of newer vehicles will escalate, incentivizing truckers and businesses to hold onto their older, higher-emitting trucks.

Todd Spencer, President of the Owner-Operator Independent Drivers Association, said, “If small business truckers can’t afford the new, compliant trucks, they’re going to stay with older, less efficient trucks, or leave the industry entirely. Once again, EPA has largely ignored the warnings and concerns raised by truckers in this latest rule.”

This expensive rule won’t just negatively affect truckers. It will have a

negative impact on our economy as a whole.

The EPA’s own economic analysis projects that the costs associated with the new regulation could reach up to \$55 billion from 2027 to 2045—\$55 billion.

During this administration, inflation has hit record highs. Additional inflationary burdens on the trucking industry will mean that any product transported by trucks—whether it is food, clothing, or other commodities—each one of those products will cost more.

Smaller, more affordable trucking businesses will close up shop, and the ones that can afford higher prices will raise their rates. This means consumers will be paying more money to a smaller group of businesses.

Every American consumer will feel the effects of this rule and its price increases. Every agricultural producer and every local business will feel these effects.

If you are an ag or energy heavy State, like Texas, Pennsylvania, West Virginia, or Illinois, Nebraska, California, or Montana, your local economy would be especially impacted by higher freight costs.

That is not to mention the 3 million Americans who work as commercial truckers. Many truckers work for “mom and pop” operations—small businesses that simply don’t have the financial resources to handle a spike in costs. These businesses and the jobs they create will be jeopardized by this rule.

In my home State of Nebraska, 1 in 12 people are employed by the trucking industry. The livelihoods of real Nebraskans—and real Americans—are at stake here.

During a period of high inflation and supply chain disruptions, the last thing this country needs is more expensive freight costs and fewer truckers.

The Biden administration is yet again trying to push through a rule that sounds nice but has wide-ranging negative implications for regular Americans.

My CRA will stop this rule in its tracks—before it has the chance to damage the livelihoods of truckers and consumers across our country.

I encourage my colleagues to join me in prioritizing the economic well-being of Americans over this politically charged and ineffective topdown regulation from the EPA.

I yield the floor.

VOTE ON S.J. RES. 11

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Under the previous order, the clerk will read the joint resolution for the third time.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third

time, the question is, Shall the joint resolution pass?

The yeas and nays were previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

[Rollcall Vote No. 98 Leg.]

YEAS—50

Barrasso	Graham	Paul
Blackburn	Grassley	Ricketts
Boozman	Hagerty	Risch
Braun	Hawley	Romney
Britt	Hoeven	Rounds
Budd	Hyde-Smith	Rubio
Capito	Johnson	Schmitt
Cassidy	Kennedy	Scott (FL)
Collins	Lankford	Scott (SC)
Cornyn	Lee	Sullivan
Cotton	Lummis	Thune
Cramer	Manchin	Tillis
Crapo	Marshall	Tuberville
Cruz	McConnell	Vance
Daines	Moran	Wicker
Ernst	Mullin	Young
Fischer	Murkowski	

NAYS—49

Baldwin	Hickenlooper	Sanders
Bennet	Hirono	Schatz
Blumenthal	Kaine	Schumer
Booker	Kelly	Shaheen
Brown	King	Sinema
Cantwell	Klobuchar	Smith
Cardin	Lujan	Stabenow
Carper	Markey	Tester
Casey	Menendez	Van Hollen
Coons	Merkley	Warner
Cortez Masto	Murphy	Warnock
Duckworth	Murray	Warren
Durbin	Ossoff	Welch
Fetterman	Padilla	Whitehouse
Gillibrand	Peters	Wyden
Hassan	Reed	
Heinrich	Rosen	

NOT VOTING—1

Feinstein

The joint resolution (S.J. Res. 11) was passed, as follows:

S.J. RES. 11

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Administrator of the Environmental Protection Agency relating to “Control of Air Pollution From New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards” (88 Fed. Reg. 4296 (January 24, 2023)), and such rule shall have no force or effect.

REMOVING THE DEADLINE FOR THE RATIFICATION OF THE EQUAL RIGHTS AMENDMENT—MOTION TO PROCEED

The PRESIDING OFFICER (Ms. CORTEZ MASTO). Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 4, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 3, S.J. Res. 4, a joint resolution removing the deadline for the ratification of the Equal Rights Amendment.

The PRESIDING OFFICER. The Senator from Alabama.

UNANIMOUS CONSENT REQUEST—H.R. 734

Mr. TUBERVILLE. Madam President, last week, the House voted for a commonsense proposal that is supported by a majority of Americans. The House voted to protect female athletes. This week, it is time for the Senate to do the same thing.

Before my time here, I spent many years as a coach, educator, and mentor. I have seen how sports can change people's lives. Athletic scholarships open up a lifetime of opportunities for men and women alike. Yet, today, those opportunities for women are being threatened by a radical political agenda that is being forced upon the American people.

When I was growing up, there were a lot less opportunities for female athletes. Fifty-one years ago, Congress passed title IX to ensure that male and female athletes both had access to lessons, life skills, and opportunities for advancement that come from participating in sports. It has been one of the most successful pieces of legislation ever to come out of Congress.

As a coach, I saw its impact firsthand. One of my first jobs out of college was coaching junior girls' basketball—what a thrill. Title IX was just starting to be implemented when I took the job. I was there to see the incredible impact it had on young girls all over this country.

For the first time, young women I coached had equal access to facilities, resources, and competition. I saw those hard-working athletes go on to earn college scholarships, start careers, and become leaders in their own communities.

I still keep in touch with a lot of them. I am deeply proud of them. I wonder if they would have had the same opportunities without title IX. Would they have had the same access or ability for success?

Before title IX, at a lot of schools, there was no such thing as college women's athletics. Very few collegiate championships for women's sports existed, limiting opportunities for female athletes to achieve greatness.

Before 1972, when title IX was enacted, there were only about 30,000 female athletes in college sports and only around 290,000 in high school sports. For comparison, at the same time, 3.7 million males were playing high school sports. However, after title IX's enactment, that changed very quickly.

Because of title IX, female participation at the college level has risen more than 600 percent. Yet now female athletes are again being told to give up their ability to compete—and settle for second place.

Women and girls are suffering at the hands of an ideology. The Biden administration is taking a sledgehammer—a big sledgehammer—to title IX.

A few weeks ago—on Good Friday, of all days—Joe Biden's Department of Education issued a new rule completely reinterpreting title IX. As usual, the Biden administration is trying to legislate from the White House—the executive branch—because they know their radical ideas would not—and I repeat, would not—make it through this Congress.

This type of change should require a bill, but Biden, again, wants to change

Federal law by simply publishing a new rule. Biden's rule change says schools cannot ban boys from participating in women's sports or else they will lose their funding.

I can't believe we are even talking about this.

The proposed rule is 116 pages long. It is so vague that schools are not going to know what to do. They are not going to know how to interpret it. The vagueness is going to let the Biden administration selectively enforce rules and intimidate schools into taking the most cautious position.

It is a backdoor national mandate to force schools to allow biological males to play in women's sports. Schools that choose to protect female athletes would face punishment from the government if they didn't allow it.

The rule is expected to go into effect this coming fall 2023. That means teachers and coaches would have to begin opening their girls' and women's teams, fields, and locker rooms to biological males. It is unfair, it is unsafe, and it is downright wrong. To be honest, it is moronic.

As a former coach, I can tell you that coaches will do what it takes to win. Coaches want to keep their jobs. The only way to keep your job as a coach and to deal with the pressure is to win games.

College athletics is a big business—a big, big business. There are conferences that make near \$100 million per school a year just for television rights. So there is a lot at stake.

Under the Biden rules, all of the incentives are for biological males to dominate women's sports. They are only a very small percentage today. One study shows trans athletes make up about 0.00025 of athletes in women's college sports today—a very small percentage.

But, frankly, one championship or opportunity ripped away from a female by a biological male is one too many. The Democrats are here to argue differently. If they do that, it is shameful.

Ten years from now, I suspect the situation is going to be very, very different. The Supreme Court last year voted to allow college athletes to get paid for their name, image, and likeness. A few years from now, coaches and players would stand to make millions through playing biological males against women. It is only common sense that that is going to happen because winning is the only thing that counts in college and professional athletes. That is the only thing that counts.

Biological males will and would dominate in virtually every women's sport. Women's sports, as we know it, would be over. Biological girls would simply drop out of sports or never choose to play in the first place.

Is this really what the Democrats want? Is this really their plan? Do Democrats really want to end women's sports? Do Democrats really want to ruin the dreams of young girls who