

Agency like USAID in the “wood chipper,” in his words. Does this sound like a thoughtful approach to making government more efficient or does this sound like a meat-ax approach from a man who has no business being there, an unelected individual who somehow has been given authority by this President to lop off tens of thousands of jobs day in day out?

Yes, we have gone to court. Many of the Agencies in the government—the employees and their representatives—have gone to court to question this ham-handed approach to making this government work, and they have been successful in the overwhelming percentage to receive temporary restraining orders and the like because on its face, serious questions are raised as to the authority of this President.

We have time-honored traditions when it comes to things like impoundment of Federal funds. The President cannot make that decision unilaterally. The power of the purse happens to be with the article I agency of the government, the legislature, not with the article II agency, the executive. As a consequence, when the President decides to do this unilaterally, he is being challenged in court, and he should be challenged in court.

This is not just a political issue, as one Senator just described; it is more importantly a constitutional issue and a legal issue, and it is going to be resolved ultimately by the court. Perhaps the President will win some of his cases and lose others. But this is a legitimate exercise of the authority in the Constitution.

I might add that this notion that we are going to start lopping off air traffic controllers and people who are responsible for aviation safety—I would just say to those who are for that and believe that is draining the swamp: Pay attention to what is happening across America. These terrible aviation disasters like the one that happened here in Washington, DC, should be taken seriously by us every day, and putting people in charge of these Departments who don't have adequate staff to monitor the flights of our Nation is active irresponsibility, as far as I am concerned.

The same thing is true with avian flu. Yes, the price of eggs is terrible. One of the reasons is avian flu is killing off the flocks of laying hens. As a consequence, we have fewer eggs and higher prices.

It is a very real concern because the avian flu is going to jump from these birds and fowl into the human chain, and we will face another pandemic. Do we want that? For God's sake, no. But the notion that we are going to lop off employees that are responsible for public health one after the other and somehow make this a safer nation is irresponsible on its face. Should it be challenged in court? Of course it should be, and I stand by that.

I just want to say to the Senator and others who make these comments: Think about what you are inviting

here, to give the President the authority this Congress has, the authority under the Constitution—to just give it away. Are we going to give away our responsibility under the Constitution because of the popularity of this President with some Members? I pray that we won't.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 710 are printed in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. DURBIN. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SHEEHY). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MULLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### VOTE ON DRISCOLL NOMINATION

The question is, Will the Senate advise and consent to the Driscoll nomination?

Mr. MULLIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER), the Senator from Texas (Mr. CRUZ), and the Senator from Alabama (Mr. TUBERVILLE).

Further, if present and voting: the Senator from Texas (Mr. CRUZ) would have voted “yea.”

Mr. DURBIN. I announce that the Senator from Maryland (Ms. ALSOBROOKS), the Senator from Vermont (Mr. SANDERS), and the Senator from Maryland (Mr. VAN HOLLEN), are necessarily absent.

The result was announced—yeas 66, nays 28, as follows:

#### [Rollcall Vote No. 90 Ex.]

##### YEAS—66

Banks	Grassley	Moran
Barrasso	Hagerty	Moreno
Bennet	Hassan	Mullin
Blackburn	Hawley	Murkowski
Boozman	Heinrich	Paul
Britt	Hickenlooper	Peters
Budd	Hoeven	Reed
Capito	Husted	Ricketts
Cassidy	Hyde-Smith	Risch
Collins	Johnson	Rosen
Cornyn	Justice	Rounds
Cortez Masto	Kaine	Schmitt
Cotton	Kelly	Scott (FL)
Crapo	Kennedy	Scott (SC)
Curtis	Klobuchar	Shaheen
Daines	Lankford	Sheehy
Durbin	Lee	Sullivan
Ernst	Lummis	Thune
Fetterman	Marshall	Tillis
Fischer	McConnell	Warner
Gallego	McCormick	Wicker
Graham	Moody	Young

##### NAYS—28

Baldwin	Booker	Duckworth
Blumenthal	Cantwell	Gillibrand
Blunt Rochester	Coons	Hirono

Kim	Ossoff	Warnock
King	Padilla	Warren
Lujan	Schatz	Welch
Markey	Schiff	Whitehouse
Merkley	Schumer	Wyden
Murphy	Slotkin	
Murray	Smith	

#### NOT VOTING—6

Alsobrooks	Cruz	Tuberville
Cramer	Sanders	Van Hollen

The nomination was confirmed.

(Mr. CURTIS assumed the Chair.)

The VICE PRESIDENT. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The PRESIDING OFFICER (Mr. CURTIS). The majority leader.

#### ORDER OF PROCEDURE

Mr. THUNE. Mr. President, I ask unanimous consent that Senator KENNEDY be recognized for up to 15 minutes and, upon the use or yielding back of time, then make a motion to proceed to Calendar No. 15, S.J. Res. 11.

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

The Senator from Louisiana.

#### TRIBUTE TO JESS ANDREWS

Mr. KENNEDY. Mr. President, I rise today for two reasons. No. 1, I am losing one of my best colleagues—she is sitting right here next to me—Ms. Jess Andrews. Jess has run my communications shop for—I don't know how many years—5 years.

I try to hire really good people, and, certainly, Jess is one of them. She is a very moral person. She is whip-smart. But when you hire good people, you know you are going to lose them because good people, capable people, like Jess, are ambitious people, and they want to move on to new positions.

Jess is becoming deputy chief of staff to our new Senator from Ohio. I wish her well, and I just wanted to thank her publicly.

Jess Andrews is the real deal, and she has just done an extraordinary job for the people in Louisiana and for the American people, and I am so, so grateful.

I congratulate our new Senator from Ohio. He is getting a good one.

So thank you, Jess.

#### S.J. RES. 11

Mr. President, the second reason I rise is to talk about a regulation that I am trying to get rid of, but I want to begin with this observation.

Nearly 5 years ago, when he was running for President—I remember it like it was yesterday—President Biden said:

I guarantee you, we are going to end fossil fuels.

“I guarantee you,” he said, in front of God, country, and the American people. “I guarantee you,” he said, “we are going to end fossil fuels.”

And he tried. For 4 years, he tried.

Here is why I point that out.

The first well drilled in the Gulf of America—I know some people call it the Gulf of Mexico. I don't want to get off into that discussion. But the first