I hope that our colleagues will join me and others in opposing this Congressional Review Act resolution.

Let me just close with this for another minute, if I could. We have some young peopling sitting up here. They are pages. We call them pages. They are nominated by Senators from all over the country—Democratic Senators, Republican Senators. They come here to go to school. They haven't graduated from high school yet. They come here to pick up their schoolwork, usually in high school, and maybe stay for 1 year, 1 academic year, and eventually go back home, finish their education, and go on to do amazing things. They are just wonderful young people. I am very proud of them—the ones from Delaware and every other State as well.

They have a bright future. They have a bright future. There are also some incredibly scary threats to that future. One of those is that we live on a planet that is growing hotter, growing hotter, and growing hotter. The question is, Are we going to do anything about it? We are trying very hard to do that.

The good news is, we can do something about it, turn it around, and reverse it in ways that create jobs and economic opportunity. We have adopted those in legislation, in the Inflation Reduction Act, in the bipartisan transportation bill, and the treaty called the Kigali treaty. We have done a lot. The key is not just doing those things but continuing to do those things—continue to do those things.

With that, I hope that our colleagues will join me in opposing this Congressional Review Act resolution.

I say this as one who oftentimes works with folks—both my colleagues from West Virginia—on all kinds of issues. This is just one where we don't see eye to eye. My hope is that our colleagues from both sides of the aisle will vote no.

The PRESIDING OFFICER (Ms. BALDWIN). The junior Senator from North Dakota.

Mr. CRAMER. Madam President, thank you for the recognition.

At the outset, let me say thank you to Senators MANCHIN and CAPITO for their passionate support and their words today in support of this joint resolution, this Congressional Review Act resolution. I also want to thank the chairman of the EPW, the distinguished Senator from Delaware and my friend. As he just said, we have worked closely together on lots of things. It is a great committee. It is fun to work on. And, again, we just don't see eye to eye on this one, but I just want to offer my respect for the good work that we all do together. I thank the Senator.

Madam President, few things are more frustrating in government than unelected bureaucrats asserting authority they don't have and foisting Federal mediocrity on the excellence of States. Shortly, the Senate will take up my bipartisan resolution that overturns the Biden administration's obviously illegal—regardless of how you might feel about the merits, an obviously illegal rule that requires State departments of transportation to measure CO_2 tailpipe emissions and then set declining targets for vehicles traveling on the highway systems of their respective States.

This rule is wrong on so many levels and has already been overturned by courts in Texas and Kentucky. Now we, the elected policymakers in our system, have the opportunity to correct course and spare the taxpayers the gross expense of litigating this demonstration of bureaucratic arrogance.

When the Environment and Public Works Committee negotiated the highway bill, we considered giving this authority to the Department of Transportation. But after the hearings and the deliberations, the committee chose not to grant such authority to the Agency, and we passed the bill out unanimously. And it became the foundation for the broader bipartisan bill known as the Infrastructure Investment and Jobs Act.

When the ''bipartisan gang'' put their proposal together, they, too, chose to leave this authority out of the bill. These decisions were not accidental; they were intentional.

When we pointed this out during the Department of Transportation's official comment period, the Federal Highway Administration provided a very novel rationale. Get this, now. They argued that since Congress was aware of their plans to promulgate this rule and did not explicitly bar it, ''Congress intended to leave such determinations to''—get this, now—''Agency expertise to be handled via regulatory authority.''

That is not just arrogance; that is arrogance on steroids.

Here is what the late great Winston Churchill had to say about expertise in government:

> Nothing would be more fatal than for the government of States to get into the hands of the experts. Expert knowledge is limited knowledge: and the unlimited ignorance of the plain man who knows only what hurts is a safer guide, than any vigorous direction of a specialised character.

Congress does not ''leave'' determinations to Agencies. Congress either grants such authority or it does not. And if it does not, the Agency does not possess that power.

In fact, let me read a couple of lines from the courts who have already ruled on this issue.

> If the people, through Congress, believe that the states should spend the time and money necessary to measure and report [greenhouse gas] emissions and set declining emission targets, they may do so by amending Section 150 or passing a new law. But an agency cannot make this decision for the people. An agency can only do what the people authorize it to do, and the plain language of Section 150(c)(3) and its related statutory provisions demonstrate the [Department of Transportation] was not authorized to enact the 2023 Rule.

That was Judge James Wesley Hendrix of the U.S. District Court for the Northern District of Texas.

Judge Benjamin Beaton of the U.S. District Court for the Western District of Kentucky wrote:

> If the Administrator—

referring to the Federal highway administrator.

> If the Administrator were allowed to shove national greenhouse-gas policy into the mouths of uncooperative state Departments of Transportation, this would corrupt the separation of sovereigns central to our lasting and vibrant system of federalism. Neither the Constitution nor the Administrative Procedure Act authorizes administrative ventriloquism.

Colleagues, the absence of a prohibition is not a license for bureaucracy to do whatever it pleases. These court rulings underscore Agencies must abide by the law, not invent the authority they desire.

Several States have resoundingly rejected this illegal rule. Several State departments of transportation objected to it in writing. Several States joined this litigation, and 50 Senators have cosponsored this Congressional Review Act.

Let me just quote a couple of States. The Arizona Department of Transportation:

> Arizona Department of Transportation disagrees with the justification provided in the NPRM regarding the legal authority for Federal Highway Administration to establish a greenhouse gas emissions performance measure.

The Michigan Department of Transportation writes:

> MDOT is apprehensive about supporting new measures not explicitly authorized by Congress . . . Therefore, there is no provision in federal law requiring the Federal Highway Administration to establish a greenhouse gas measure.

Twenty attorneys general from Montana, Virginia, Georgia, Ohio, and a number of other States wrote:

> The proposed greenhouse gas measure would be a serious revision of what Congress has written, and Congress has not given the Federal Highway Administration such editorial power.

Madam President, the Biden administration should have never introduced this rule, but now we, the policymaking branch of government, must end it. I urge all of my colleagues to stand up for the Senate and vote for this restoration of article I powers. Vote yes on this Congressional Review Act resolution.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, S.J. Res. 61 is considered read a third time.

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

VOTE ON S.J. RES. 61

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. HEINRICH. 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 assistant bill clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—53

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

NAYS—47

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

The joint resolution (S.J. Res. 61) was passed, as follows:

S.J. RES. 61

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 Federal Highway Administration relating to ''National Performance Management Measures; Assessing Performance of the National Highway System, Greenhouse Gas Emissions Measure'' (88 Fed. Reg. 85364 (December 7, 2023)), and such rule shall have no force or effect.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE NATIONAL LABOR RELATIONS BOARD RELATING TO ''STANDARD FOR DETERMINING JOINT EMPLOYER STATUS''

The PRESIDING OFFICER (Ms. BUTLER). Under the previous order, the Senate will proceed to the consideration of H.J. Res. 98, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 98) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to ''Standard for Determining Joint Employer Status''.

The PRESIDING OFFICER. The majority whip.

AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR A CEREMONY TO PRESENT THE CONGRESSIONAL GOLD MEDAL COLLECTIVELY TO THE WOMEN IN THE UNITED STATES WHO JOINED THE WORKFORCE DURING WORLD WAR II

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 85, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 85) authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal collectively to the women in the United States who joined the workforce during World War II, providing the aircraft, vehicles, weaponry, ammunition, and other material to win the war and who were referred to as ''Rosie the Riveter'', in recognition of their contributions to the United States and the inspiration they have provided to ensuing generations.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the concurrent resolution be agreed to and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 85) was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE NATIONAL LABOR RELATIONS BOARD RELATING TO ''STANDARD FOR DETERMINING JOINT EMPLOYER STATUS''—Continued

The PRESIDING OFFICER. The Senator from Louisiana.

UNANIMOUS CONSENT REQUEST—S. RES. 623

Mr. KENNEDY. Madam President, I would like to talk for a few moments about and I am going to have a motion about the impeachment of Secretary Mayorkas.

As you know, Madam President, our government is one of laws, not people—laws, not people. As you also know, the U.S. Senate is built on precedent and custom and history and the law, not political expedience.

We in the Senate are supposed to listen to the American people, not ignore them. One of the ways we do that is by playing by the rules we have all agreed to—all of the rules, all of the time.

Now, my Senate Democratic colleagues today or at least very shortly, however, may be willing to jeopardize centuries of this stability—the stability that this body has wrought and lives by—for short-term political advantage.

We all know what is going on here. We all know exactly what is going on here. For the very first time in our Nation's history, my Senate Democratic colleagues are seeking to table—maybe even dismiss—an impeachment by the United States House of Representatives of a sitting Cabinet official without holding a full trial. If my Senate colleagues do that, they will be summoning spirits that they won't be able to control.

Let me say that again—the United States House of Representatives. We are not talking here about some ''snow bro'' who lives off Chicken McNuggets and weed and happens to have an opinion. The United States House of Representatives, elected by all of the American people, spent months investigating our border policy and Secretary Mayorkas's role in it, and then they thoughtfully crafted and they passed with a majority vote two Articles of Impeachment. Now my Senate Democratic colleagues want to toss them out in the trash like a week-old tuna salad sandwich without hearing from either side.

In the more than two centuries that this body has existed, we have never once tabled an impeachment—not once. The Senate has never dismissed impeachment articles under these circumstances either—neither tabled nor dismissed.

If the Senate dismisses these charges without a full trial, it will be the first time in the Senate's long history that it has dismissed impeachment charges against an official it has jurisdiction over without the official first resigning, and that is just a fact of history.

The Senate has the responsibility to hold this trial, and everybody in this body knows it. Yet my Senate Democratic colleagues seem willing to forfeit our constitutional authority in order to bury the evidence of how bad the border crisis is.

Now, I, for one, want to hear the House's evidence, and Senate Republicans are offering our colleagues across the aisle—all of whom I respect, by the way—a menu of options for how to hear that evidence and listen to Secretary Mayorkas's defense without eroding democratic institutions.

If Democrats set a new precedent by making an impeachment trial impossible, as I am afraid they are going to try to do, they will be silencing the voices of the Americans who elected them, and they will have to own the decisions they will be making and bear the consequences tomorrow, and tomorrow may come sooner than they can imagine.

Apparently, my Democratic colleagues are really leaning in on their double standards. Whenever protecting democracy—have you heard that expression?—or upholding ''the rule of law''—have you heard my Democratic colleagues talk about the rule of law? I