

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	Lujan	Stabenow
Casey	Markey	Van Hollen
Coons	Menendez	Warner
Cortez Masto	Merkley	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Welch
Fetterman	Ossoff	Whitehouse
Gillibrand	Padiilla	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 sta-

bility 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

have. I agree with them. Whenever they use those expressions but it becomes politically challenging, they seem happy to ignore the rule of law and the will of the people, and their political expedience is in full view today. I regret to say that.

We will see what my Democratic colleagues do with respect to my resolution and Senator LEE's resolution.

Senate Democrats, I am afraid, are silencing the American people who want their country's secure border back. The truth is that the American people are tired of the drug trafficking. They are tired of the human trafficking. They are tired of the sexual abuse of women and children. They are tired of the widespread illnesses. They are tired of the death. They are tired of the behavior of President Biden and Secretary Mayorkas with respect to the border. They are tired of the chaos. They believe it is chaotic by design, and they believe it is undermining their national security. And they are right. Now, the American people may be poorer under President Biden and Secretary Mayorkas, but they are not stupid. They are not stupid.

In total, more than 9 million people, foreign nationals, have crossed the southern border under President Biden and Secretary Mayorkas—9 million. That is four Nebraskas. Secretary Mayorkas doesn't have any idea who they are. He doesn't have any idea where they are. Customs and Border Protection also seized 53,000 pounds of fentanyl from 2021 to 2023. That is enough to kill every man, woman, and child on this planet, for God's sake—not the United States, this planet.

The southern border is an open, bleeding wound. Now, the majority of the House of Representatives reached that conclusion. That is why they voted to impeach Secretary Mayorkas. They have sent us their evidence, and that evidence alleges that Secretary Mayorkas's policies have made our immigration system septic. If I were Secretary Mayorkas, I would want to answer those allegations. As a Senator, I want to hear the evidence, and I know the American people want to hear the evidence.

These are serious charges. By tabling or dismissing the Articles of Impeachment without so much as a trial, like it was just spam in their inbox, my Senate Democratic colleagues are endorsing the Biden administration's lawless approach to the southern border. They are setting a precedent that the next administration can ignore the laws of Congress and the will of the American people as long as it advances the majority party's agenda. That is what they are saying.

Now, my resolution will give the procedures we need to set up the procedures we need to conduct this trial fairly and efficiently.

My resolution is modeled on the procedures that this body used during the second impeachment trial of President Trump. When President Trump's first

impeachment came to the U.S. Senate, Senate Republicans were in the majority. You didn't see us trying to table that impeachment. You didn't see us trying to dismiss that impeachment because we believe in the rule of law all the time, not just when it is politically expedient. We heard the evidence. We did our job. And that is what we ought to do right now.

The proceedings set forth in my resolution are efficient; they are fair; they are honest. They will not uproot the longstanding precedent that we have given to Articles of Impeachment in the past. It will give the Articles of Impeachment serious consideration, as we have always done.

Here is my final point. If my Senate Democratic colleagues—let me say it again, each and every one of whom I respect—if they choose to ignore this impeachment, they will have placed their seal of approval on the lawlessness at the border and the chaos it has brought to so many American communities, and they will have ignored 200 years of Senate precedent—200 years. A charitable interpretation based on policy does not exist for what my Democratic colleagues are going to try to do. It is all based on raw, gut politics and they know it and I know it and everybody in this room knows it. Please don't do it. Please, my friends, don't do it. Please don't allow the Senate to rot from within. The American people deserve better.

Madam President, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration and the Senate now proceed to S. Res. 623, my resolution that I just talked about; further, that the 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. Is there objection?

Mr. DURBIN. Madam President, reserving the right to object.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Reserving the right to object, Madam President. The Senator from Louisiana is my friend. We throw that term around here in the Senate, but it is true. I think he would say the same. We both serve on the Senate Judiciary Committee. We have worked on issues together. We have been adversaries, but we have done it respectfully, and it will continue, I hope, to this day.

But the gentleman, the Senator from Louisiana, brings to the floor of the Senate and to this debate special qualities. He sounds many times like a homespun backwoods lawyer. Don't be fooled. He is a graduate from a famous university in England—I have forgotten which one—Oxford, Cambridge, one of those. They are not in the Big 10, I am sure of that, but I know they are in England. I congratulate him. I was never even considered for a university of that stature. He is a brilliant lawyer

and Senator and raises important questions, not just for the moment but for history.

The question before us today that he is raising is about the purported impeachment—I should say actual impeachment—of a member of President Biden's Cabinet, Mr. Mayorkas, the Secretary of Homeland Security. That is now about to be reported to the Senate, and we have constitutional responsibilities when it is reported.

In this situation, we are waiting for the actual report to arrive. I think it will be momentarily, perhaps this week or next, and we will take up this matter as we are required to do.

The House Homeland Committee engaged in a yearlong investigation of Secretary Mayorkas and his alleged maladministration of the border of the United States. This committee in the House held 12 hearings, testimony from more than two dozen witnesses, producing nearly 400 pages of reports.

The Senate, when sitting as a Court of Impeachment, is not responsible for making the case on behalf of the impeachment managers. We are the jury. We are the ones who will decide the impeachment. Our duty is to make the determination based on the Articles of Impeachment and the facts at hand. We are not a factfinding operation.

My friend from Utah is also on the floor. During the first Trump impeachment, he said that "the Senate—here sitting as a court of impeachment—has both the authority and the obligation to decline to hold a full trial where the material facts in the case are not in dispute."

The facts are not in dispute here. This is the first time that the House has successfully impeached a sitting Cabinet-level official without providing any evidence of a high crime or misdemeanor. None. All those hearings, all those pages, all those witnesses—no evidence of high crimes or misdemeanors. And that is a requirement in the Constitution. The Articles of Impeachment that will be before us contain zero evidence that Secretary Mayorkas has committed high crimes and misdemeanors. Instead, it can be read as a summary of Republican grievances with this administration's approach to border policy, immigration, detention, and methods of removal and parole—all of which is conduct that falls squarely within the executive branch's constitutional prerogative. Fortunately, the Constitution was designed to prevent this type of partisan politics driving this effort from contaminating the extraordinary process of impeachment.

The delegates to the Constitutional Convention considered and rejected the concept of maladministration as an impeachable offense, in part, because they feared the misuse of impeachment for purely political retribution.

The Constitution empowers the Senate to have the sole power to try all impeachments and to determine the rules of its proceedings, but the Senate

only has the power to convict, remove, and disqualify officers whose conduct meets the constitutional standard. That standard is well known to all Members of Congress and to the Senate particularly.

Given that the Senate only has the power to convict, remove, and disqualify officers who have committed "Treason, Bribery, or other high Crimes and Misdemeanors," the appropriate Senate response to impeachment articles that do not articulate those charges is obvious.

If congressional Republicans were genuinely interested in addressing concerns about our border, they should be willing to work on a bipartisan basis to pass legislation fixing our broken immigration system and give this President and Secretary Mayorkas the tools they have asked for to address the situation at the southern border.

I want to make sure this is clear on the record. The border is broken. It needs to be fixed and what we should do and what we did do was to establish a bipartisan committee. The Republicans said: We insist that JAMES LANKFORD, a respected Senator from the State of Oklahoma, speak for us and negotiate for us when it comes to changing the rules at the border. We agreed with that.

Senators worked with Senator LANKFORD, whom I respect, and came up with a bipartisan proposal that gave new authority to the President and to the executive branch to deal with the crisis at the border. What happened on the Republican side of the aisle when JAMES LANKFORD, the Republican Senator from Oklahoma, came up with this proposal? All but seven of them—I believe that was the number—walked away and said they wouldn't even support it.

Why did they do it? You know why they did it—because Donald Trump announced he wanted no part of any agreement, any bipartisan effort to solve the problem. Then, former President Trump said: And blame me.

Well, I am blaming him. We had an opportunity to actually do something on the floor of the Senate when it came to the border. He stopped it. And so many of the Republican Senators who begged us to work with Senator LANKFORD turned their backs on him after the yeoman's effort he put into this undertaking. That is the reality.

We had our chance, on a bipartisan basis—and still do—to solve this problem rather than engage in any political stunt. Instead, the vast majority of Republicans, including the Senator from Utah and others on the floor, recently blocked the bipartisan border reform bill that was written by the Republicans' designated negotiator, Senator LANKFORD. They had their chance. It didn't work; neither will this. I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Louisiana.

Mr. KENNEDY. Madam President, I will respond, briefly.

The U.S. House of Representatives—the U.S. House of Representatives—has found, after lengthy investigation, that the chaos at the southern border is manmade, and the U.S. House of Representatives has alleged that that man's name is Secretary Mayorkas.

We need to hold a trial.

Now, Senator DURBIN is my good friend and, as usual, he is eloquent, and he sounds very confident that the evidence will exonerate Secretary Mayorkas.

How does he know? He hasn't heard the evidence, and he doesn't want to hear the evidence because he is scared that the American people might disagree.

That is what this is all about—raw, gut politics.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT REQUEST—S. RES. 624

Mr. LEE. Madam President, the House impeached Secretary Alejandro Mayorkas. He is the second Cabinet official to be impeached in all American history. The last Cabinet member to be impeached was William W. Belknap in 1876.

The Senate held trials in virtually all previous impeachments, except for those in which the impeached officer no longer held office. However, Majority Leader CHUCK SCHUMER now wants to effectively pardon Secretary Mayorkas—pardon him from this impeachable offense, pardon him from the impeachment itself—without letting us even examine the evidence.

No, the facts are not in dispute in this case. They are not in dispute in the least. If they were, there wouldn't be a need for a full trial. There would however, still, at a minimum, be a need to reach a verdict of guilty or not guilty because in literally every other circumstance in the history of the Republic—unless circumstances have arisen that have rendered the case moot—the U.S. Senate, sitting as a Court of Impeachment, adjudicates the matter, whether through short proceedings or long ones, whether through a trial conducted on the Senate floor or by delegation to a select committee. It does, in fact, reach a verdict of guilty or not guilty, as is the Senate's constitutional obligation. But when the Articles of Impeachment arrive, we have to remember that we have a constitutional duty to hold a trial.

Again, what that trial consists of may depend on the circumstances, but we still have to hold a trial sufficient to get to the point, in the absence of the case being rendered moot or something of that nature, to reach a verdict of guilty or not guilty.

Now, I am so grateful to House Speaker MIKE JOHNSON for delaying delivery of these so that we can give our full consideration. Ignoring the evidence before us betrays the trust of those who sent us here.

In this spirit, I have introduced a resolution, a resolution to ensure that we are prepared to consider the impeach-

ment articles in a manner befitting our responsibilities. You see, the Senate has three states of being. It is always either sitting in a legislative capacity, where we pass bills, we debate and amend and ultimately pass or decline to pass legislation; the Executive Calendar, where we consider Presidential nominations and consider ratification of treaties; or a third state of being, of course, consists of a Senate sitting as a Court of Impeachment. We are always in one of those three states.

We have a separate set of rules governing our impeachment proceedings, but those rules aren't so specific as to define the precise details of each and every impeachment proceeding. Those have to be negotiated independently through resolutions.

It is to that end that I offer this resolution to put meat on the bones of the Standing Rules of the Senate on impeachment trials.

This resolution mandates that the Senate begin deliberations on the impeachment articles no later than 7 session days after the House of Representatives transmits them to the Senate. This timeline is not just for the Senate but so that the American people can hear from Secretary Mayorkas himself. He is afforded up to 7 session days to respond to the charges that will be presented to us by the House.

Both parties in this debate would be permitted to submit trial briefs within specific deadlines, ensuring that all arguments are heard and considered with the gravity they deserve.

It requires the House to file its records, including materials from the Judiciary Committee and documents related to Secretary Mayorkas's impeachment. These records, which are subject to scrutiny and objection by Mayorkas, are crucial evidence in our proceedings.

My resolution lays out how motions and arguments will be carefully managed. Motions, except those to subpoena witnesses or documents, would be required to be filed before the proceedings start.

The structure of the presentations and questioning would be designed to allow Secretary Mayorkas to comprehensively present his case.

After the questioning period, we would proceed to final arguments and decide whether Secretary Mayorkas is guilty or not guilty.

With my resolution, we would be ready to conduct a fair and legitimate trial.

So, to my colleagues, if you are confident that the charges against Secretary Mayorkas are baseless, then why object to organizing a fair and legitimate trial? Why try to sweep this under the rug? Why pardon someone before they are even afforded the opportunity to prove their innocence?

If you trust that Secretary Mayorkas didn't authorize millions of individuals to enter illegally into our country for swift and precursory release into the interior, don't object to my resolution; just hold a trial.

If you are certain that Secretary Mayorkas hasn't, in fact, increased the pull factors incentivizing parents across the globe to send some 430,000 unaccompanied children into the United States—in many cases, to end up in the hands of traffickers—then, by all means, don't object; hold a trial.

If you are confident that Secretary Mayorkas hasn't created at least 13 illegal immigration parole programs designed to increase the flow of people into this country by the hundreds of thousands, in violation of the very law invoked to facilitate their admission, then don't object; hold a trial.

If you are so sure, so confident, so certain that, under Secretary Mayorkas, Customs and Border Protection hasn't dramatically decreased its vetting processes for allowing Chinese immigrants to cross our border with military-age Chinese males, don't object; hold a trial.

If you believe that we haven't seen a dramatic increase in the known terrorist encounters at our southern border, don't object; hold a trial.

If you are confident that Secretary Mayorkas hasn't allowed enough fentanyl to flow across the southern border to kill every man, woman, and child in the United States of America, don't object; hold a trial.

An invasion, Madam President, is taking place on American soil. At least 8 million people—that is at the low end—have illegally crossed our border since Mayorkas became the Secretary of Homeland Security, and the numbers just keep rising. This unprecedented influx includes gang members. It includes drug traffickers, human traffickers, dangerous individuals from every single country in the world, including the thousands of military-age males from China. In December alone, the U.S. Department of Homeland Security reported 302,000 encounters. That is in 1 month—the highest number ever recorded in a 1-month period. These are not the kinds of records he should try to break, but he has broken them again and again and again.

Now, to be clear, Secretary Mayorkas has the tools to stop this invasion—to halt it in its tracks—and he has the tools to do it today. Not only does he have the tools, but he has the obligation and the sworn responsibility under the laws of the United States to do so. He doesn't need legislative action from Congress.

These aren't victimless crimes. The tragic case of Laken Riley—a life cut short by an illegal alien, one of the millions whom Secretary Mayorkas has allowed to enter our country unchecked—is a reminder of the human cost of this prolonged, severe, and deliberate malicious abdication of duty. Laken isn't alone. Her case represents hundreds of thousands of families across the Nation whose lives have been upended by the invasion that our leaders willfully allowed to happen and, indeed, invited. In fact, they encouraged them to happen.

Should Secretary Mayorkas be found guilty, these are impeachable offenses of the highest order. Make no mistake, this is not mere maladministration. This is a deliberate, willful, malicious determination to break the law in order to bring in millions of people who do not belong here.

There is no doubt, at this point, that the invasion of our southern border has inflicted pain and suffering on countless Americans. So we are obligated to figure out who is responsible and to make sure that they are held responsible. That is exactly why we are here.

To that end, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration and the Senate now proceed to S. Res. 624; further, that the 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. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. It is, indeed, unfortunate that this has happened. We have followed the model of previous resolutions that have been used in order to set up impeachment debates. This one was based off of one of the impeachment trials of the 45th President of the United States. These terms were agreeable under previous impeachment proceedings, and now they are not.

This is not the kind of case in which the material facts are undisputed nor is this the kind of case in which the office held by the person impeached has been vacated either by death or resignation. And so, in order to comport with, comply with, to follow the precedents that we have consistently followed in this country that have been in place for some two and a half centuries—to say nothing of the constitutional obligation behind those precedents and those customs—we need to hold a trial.

It is not enough simply to stand up and say: We are choosing not to address these. We don't feel like addressing these. We are going to decline to address them without a finding of guilt or innocence.

This is not appropriate. So, if they don't like these particular terms, then perhaps we can find another resolution that will allow us to approach these proceedings with dignity and fairness as an institution, showing dignity and fairness to the accused and to the American people alike, including and especially those Americans who have been victimized by the acts of lawlessness carried out by this administration under the leadership of Secretary Mayorkas.

We have an obligation to do this. Absent one of the circumstances not present in this case, where the case becomes moot—this one is not. We have an obligation, regardless of what the

precise procedures look like, to reach a verdict, to make findings, to convict or acquit, to reach a verdict of guilty or not guilty. It is wrong for us to ignore this duty, and it is also phenomenally dangerous.

This precedent having been set will suggest that, from this moment henceforth, insofar as the party of the President of the United States is the same party that controls a majority of the seats in the U.S. Senate, Articles of Impeachment passed by the House of Representatives will be essentially dead letter, to be dismissed without a verdict—without a finding of guilt or innocence, of guilty or not guilty. It would be a shame, and it would be a derogation of our constitutional responsibility.

My hope, my expectation is that we can find some other means. If this one is not acceptable to the body, to my friend and colleague from Illinois, then perhaps another will, but we must keep trying. We can't pretend that we can simply table these. That is not what we are required to do here, and it is a derogation of our responsibility.

The PRESIDING OFFICER. The Senator from Texas.

UNANIMOUS CONSENT REQUEST—S. RES. 622

Mr. CRUZ. Madam President, there are times when the eyes of history are upon the U.S. Senate. This is one of those times. We are facing today an existential crisis at our southern border. It is qualitatively different than anything we have ever faced at our southern border in the history of our Nation.

A few moments ago, the Senator from Illinois acknowledged the border was broken, although he acknowledged it in the classic Washington way of using the passive voice—"the border is broken"—that is designed to hide and obscure who broke the border.

He is correct that the border is broken, but it was broken deliberately by the President of the United States, Joe Biden; by the Vice President of the United States, KAMALA HARRIS; by the Secretary of Homeland Security, Alejandro Mayorkas; and by every single Senate Democrat who repeatedly has rubber-stamped and embraced this open border policy.

The Senator from Illinois said the border is broken. He is also the chairman of the Senate Judiciary Committee, on which I serve, on which Senator LEE serves, and on which Senator KENNEDY serves. In the past 3 years, we have held precisely zero hearings on the crisis on our southern border. The Senate Judiciary Committee cannot be bothered to inquire as to the cause of this crisis.

Understand why Alejandro Mayorkas became the second Cabinet Secretary in the history of the United States to be impeached. The last one was in 1876—the Secretary of War—and now, 148 years later, Alejandro Mayorkas joins him. It is not because Alejandro Mayorkas is incompetent. It is not because he is negligent. It is not because he is bad at his job. Rather, unfortunately, Alejandro Mayorkas is very,

very good at his job. However, he does not view his job as securing the border. He does not view his job as protecting our homeland security.

Rather, he views his job as openly and directly violating—flouting—Federal law and aiding and abetting the criminal invasion of this United States. He is not trying to secure the border. He is trying to accelerate the invasion that is happening. He wants more illegal aliens and more criminal illegal aliens released into this country. Under the Biden administration, 10.4 million illegal immigrants have been released into this country.

Senate Democrats are desperate to avoid the misery and suffering and death that their radical policies have produced. At a hearing before the Judiciary Committee, I asked Secretary Mayorkas how many migrants died last year crossing illegally into this country.

He said: I don't know. I have no idea.

I said: Of course, you don't. The number is 853. That is a number from your own Department, but you don't care about the dead bodies that Texas farmers and ranchers are finding—nearly three a day.

When I brought 19 Senators down to the border to see firsthand what was happening, we went out on a boat on the Rio Grande River, and we saw a man floating dead in the river, who had drowned that day. By the way, those 19 Senators were only Republicans. I have invited my Democrat colleagues. I have invited the Senator from Illinois: Come to the southern border and see the people who are dying because of the policies you support. None of them have any interest in seeing firsthand the deaths they are producing.

I have looked in the eyes of children—of little boys and little girls—who have been brutalized by human traffickers day after day after day. None of the Senate Democrats want to take responsibility for the little girls and little boys to whom unspeakable evils are being done.

I have looked in the eyes of women who have been repeatedly and violently raped by human traffickers. None of the Senate Democrats want to take responsibility for the horrific violence and suffering their open border policies have produced.

When I asked Secretary Mayorkas about colored wristbands on a poster I displayed at the Senate Judiciary Committee, he responded by saying he had no idea what those wristbands are.

Those colored wristbands are worn by just about every illegal alien coming to this country. The colors correspond to how many thousands of dollars they owe the cartels. Understand, the cartels don't view them as human beings. They don't even view them as livestock. They are cargo. The colors show how many thousands of dollars they owe.

If you stand on the banks of the Rio Grande River, you will see hundreds or even thousands of those colored wrist-

bands laying there in the grass. And what Alejandro Mayorkas was saying, as I told him—I said: Mr. Secretary, you have just told the American people you are utterly incompetent at your job, and you don't even give a damn enough to pretend to try.

When I invited my Democratic colleagues to come to the border and see the wristbands, the Democrats don't take us up on it.

Understand why those wristbands matter. Thousands upon thousands of teenage boys, they turn themselves in to the Biden administration. They say: Where do you want to go?

Some will say Chicago; some will say New York; some will say Los Angeles. And the Biden administration puts them on an airplane, puts them on a bus, and sends them to every city in America.

The mayor of Chicago, the hometown of the Senator from Illinois, has declared it a crisis, the illegal aliens pouring into his city. Yet Senate Democrats not only will do nothing about it, they continue the policies in place that make it worse and worse and worse.

Understand, those teenage boys, when they arrive in Chicago or L.A. or New York—and, by the way, the Democratic mayor of L.A. has also said it is a crisis. The Democratic mayor of New York has said it is a crisis. The Democratic mayor of Boston has said it is a crisis. The Democratic Mayor of Washington, DC, has said it is a crisis.

When they arrive, they owe the cartels thousands of dollars. If they don't pay the money back, the cartels will murder their families. And so they are working for the cartels.

There are crimes going on in your home State of California today by illegal immigrants the Biden administration has released that are working for the cartels. There are Californians who are being robbed right now, who are being carjacked, who are being assaulted. There are people in Chicago who are being robbed, who are being assaulted.

You want to understand the misery, take a look at Laken Riley. There has been a lot of discussion about Laken Riley; although, sadly, only on one side of this Chamber. If a Democratic Senator has said the words "Laken Riley," I have not heard it come from their mouths.

Laken Riley was a beautiful 22-year-old woman who was murdered because of the Democrats' open border policies. How can I say that with such certainty? Because her murderer, an illegal immigrant from Venezuela, was apprehended in El Paso. We had him. We had him. He was arrested. All Joe Biden and all Alejandro Mayorkas had to do was follow the law, and we would have put the murderer on a plane and flew him back to Venezuela. And he never would have been in Georgia murdering Laken Riley.

But Joe Biden and Alejandro Mayorkas made the decision that poli-

tics matters more than protecting American citizens, and so they released this violent criminal.

He went from El Paso to New York City, where he was arrested again. We had him a second time, this time for endangering the safety of a child.

Unfortunately, New York City is a sanctuary city run by Democratic politicians, so what did they do? They let him go a second time, and he went down to Georgia. And Laken Riley, 22 years old, was out jogging, a nursing student. She is out jogging like millions of people do across America, and this murderer took a brick and beat her to death.

If either Joe Biden or Alejandro Mayorkas had followed the law or if New York had kept him in jail, she would still be alive.

Do you know what I also haven't heard from Senate Democrats? The name Jeremy Caceres. Jeremy Caceres is a beautiful 2-year-old boy, murdered in Prince George's County, MD, just miles from where we are right now, murdered by an illegal alien that Joe Biden and Alejandro Mayorkas released.

Just a few weeks ago, news broke of an illegal alien from Haiti that not only did Biden release but flew from Haiti to the United States. The Biden administration has had over 300,000 secret flights bringing illegal aliens to America. In this case, they brought the Haitian illegal immigrant to Boston, MA. And what happened just a couple of weeks ago, he was arrested for violently raping a 15-year-old girl who is seriously disabled.

These are the very real consequences of the Democrats' open border policies. Yet Democratic Senators don't want to confront the people who are dying, who are suffering because of them.

Alejandro Mayorkas was not impeached because he is negligent; he is impeached because he is actively defying the law. By the way, he has turned the Mexican drug cartels into decabillionaires.

According to the New York Times, in 2018, the revenue from human trafficking the cartels earned was roughly \$500 million. Last year, it was \$13 billion. Thanks to Joe Biden and Senate Democrats, the drug cartels' profits have gone up 2,600 percent. That is why the House has impeached Alejandro Mayorkas.

Now, what is the Senate to do when impeachment occurs? Well, fortunately, we have a document that tells us what to do. It is called the Constitution of the United States.

Under the Constitution, it is the sole power of the House to impeach and the sole power and responsibility of the Senate to try.

Twenty-one times in our Nation's history in more than 200 years, the House has impeached an individual and sent Articles of Impeachment over to the Senate. Here is what has happened in those 21 times:

In one time, the Senate concluded it had no jurisdiction because the individual impeached was a Senator, and

impeachment only attaches to members of the executive branch or the judicial branch. So they dismissed that one for lack of jurisdiction.

In three of them, the individuals impeached were no longer in office, and so the Senate didn't act because it was moot. It was no longer necessary to resolve because the individual impeached was out of office.

In the remaining 17 times, all of them—100 percent of the time—the Senate conducted a trial, the Senate heard evidence, and the Senate adjudicated guilt or innocence. Each Senator stood up and said “guilty” or “not guilty.”

Well, next week, when the articles arrive, we are told that Senator SCHUMER intends not to proceed to a trial, not to follow the Senate rules of impeachment, not to allow any evidence but simply to move to table—to throw it out at the outset.

Why is Senator SCHUMER doing so? Three reasons:

No. 1, he desperately, desperately wants to stop the House managers from presenting their evidence.

The Senator from Illinois says: He knows there is no evidence. It is like an ostrich putting his head in the sand. One way to know there is no evidence is look at no evidence, hear no evidence, consider no evidence, and do everything you can to prevent the American people from hearing evidence.

No. 2, the Senate Democrats want to stop a trial. They don't want the American people to know the suffering and misery and dead bodies their policies are producing.

But No. 3, the Senate Democrats desperately want to prevent Democrats who are on the ballot right now from casting a vote of guilty or not guilty. They want to avoid an adjudication, because, do you know what? Senate Democrats are back in their home States saying: Gosh, I am really concerned about illegal immigration.

If they were really concerned, we can decide that next week by voting to fulfill our constitutional obligation to hold a trial.

Now, let me say something. I look and see the Senator from Illinois; I see the Senator from West Virginia. All three of us were on the Senate floor at another momentous time in 2013, when then-Senate Majority Leader Harry Reid exercised the nuclear option and blew up the filibuster for nominations. That did enormous damage to the institution of the Senate.

I remember standing in the well of the Senate, 10 feet from where I am now, and turning to Senator AMY KLOBUCHAR that day. I told her, I said: You are going to regret this day. This is a catastrophic mistake.

I told her then: The result of this decision from Harry Reid and the Democrats will be more judges and Justices on the Court in the mold of Antonin Scalia and Clarence Thomas.

If you want to know why *Roe v. Wade* has been overturned, it is because

Harry Reid and the Democrats exercised the nuclear option in 2013. Had they not done so, there is no way this Senate would have confirmed all three of the nominees put forward. It was the direct consequence of the utter disregard for this institution Senate Democrats have.

I bring that up because we are at a second moment that is equally consequential, except instead of nuking the Senate rules as they did in 2013, Senate Democrats are preparing to nuke the Constitution of the United States itself, the impeachment clause, which every single time that the Senate has had jurisdiction and the person has been in office, the Senate has held a trial. If Senate Democrats proceed next week to table that, they will blow up that precedent.

I am here to make a prediction. Senate Democrats sometimes behave like small children with no ability to look to the future and anticipate the consequences of their actions. Everyone can recognize right now we have got a Presidential election coming up in November. None of us knows the outcome. I am going to posit to you right now: There is a significant chance Donald Trump will be reelected as President. I am also going to posit to you that is an outcome no one on the Democratic side wants to see happen.

There is also a significant chance Republicans will retake the Senate. But there is a possibility that Democrats will retake the House. That is a very likely scenario in this election.

If that happens—I turn to my friend from West Virginia because I want you to contemplate what will happen. If that happens, I am going to make a prediction: One year from today, we are going to be on the Senate floor, and if Democrats control the House, they will have impeached Donald Trump again, impeached him a third time and maybe a fourth time and maybe a fifth time. If they have the House, that is what they are going to do.

And if and when those impeachment articles come over to the Senate, if Senate Democrats next week dismiss this impeachment, I am telling you right now, Senate Republicans will do the same thing to any impeachment that comes over from the House. What Senate Democrats will have done is effectively eliminated the Senate's power of impeachment anytime the Senate is the same party as the President.

Many of us were here the last time this scenario happened. It was the first Trump impeachment. The first Trump impeachment, he had a Democratic House, a Republican Senate, and a Republican President. The Democrats in the House impeached Donald Trump. They sent Articles of Impeachment over. The Senate Republicans could have played these games and tried to table the impeachment and said: We are going to shirk our constitutional duty; we are not going to have a trial. But we didn't. We followed the Constitution.

My question for my colleagues here is: Is there even one Democrat who cares about the institution of the Senate, who cares about the Constitution, who cares about democracy?

Democrats love to pound their chest and say they are defending democracy while they are engaging in a relentless assault on democracy.

I have an organizing resolution that would follow the precedent and simply appoint an impeachment committee to hear the trial. The trial doesn't have to be on the Senate floor; that is typically done for Presidents. Instead, the impeachment committee could hear the evidence, which is what the Senate has done over and over and over again.

By the way, every Democrat who says we have got other things to focus on—FISA and other matters—the impeachment committee would proceed parallel with the Senate floor considering other business. So it would delay nothing on the Senate floor to follow our Constitution and have an impeachment committee. But it would avoid destroying the impeachment power of the Senate, destroying the Constitution. And it would also give the American people a chance to hear the evidence and to hear the presentation of the House managers.

Therefore, Madam President, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration and the Senate now proceed to S. Res. 622; further, that the 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. Is there objection?

Mr. DURBIN. Madam President, reserving the right to object, the date was June 27, 2013, and on the floor of the U.S. Senate we had done something that no one believed could be achieved: We had, through the Gang of 8, established a comprehensive immigration reform bill.

I was part of that Gang of 8—eight Senators, four Democrats and four Republicans—who labored for months to create that legislation. It was comprehensive, as I noted. It covered every aspect, from border all the way through the immigration process.

We brought it to the floor in the hopes that, for the first time in decades, we would finally reach an agreement, a bipartisan agreement. The people who were involved in it—John McCain on the Republican side, Senator Flake from Arizona, Senator GRHAM from South Carolina, and four Democrats—worked hard to bring this to the floor. It was an opportunity for us to finally do something together.

It got 68 votes. We needed 60, but we got 68 votes. There was a lot of celebration because business and labor and others were supporting us and so happy that we got it done.

We know what happened to that bill. It went over and died in the House of

Representatives. The Republican leadership over there refused to even call it for consideration. Of the Republican Senators currently on the floor, two of them were on the floor on June 27, 2013. They both voted no.

Listen to the speeches and ask yourself the question: If the border and immigration policy need to be fixed in America, why weren't you there when we had a chance for a bipartisan approach to comprehensive immigration reform?

And to make it even worse, there was an argument made that we would not provide defense supplemental spending, asked for by the administration, around the world, unless we came up with a border reform bill within the last several months. And the Republicans said: We have a leader on our side of the aisle whom we want to head up our effort to come up with a bipartisan bill to deal with the border. We do believe it needs to be fixed; it is in crisis.

They proffered JAMES LANKFORD, a conservative Republican Senator from Oklahoma, a highly respected Senator. I may disagree with him on many issues, but I respect him as a Member of the Senate. He was to be the lead negotiator, and we respected that request. Democrats had CHRIS MURPHY and KYRSTEN SINEMA joining in the effort and prepared to bring to the floor a major—it was a bipartisan approach to solve this problem.

Why is that necessary? Because in this body you need 60 votes. If you don't have 60 votes, you are wasting your time. We needed something bipartisan.

And so this measure was headed to the floor. And at the last minute, former President Donald Trump announced that he wanted to stop the process; he did not want to even attempt to solve the problem with bipartisan legislation. He said: You can blame me if you want to. And I blame him again. Yes, he did that.

And, unfortunately, the Republican Senators were complicit, most of them, in that effort instead of respecting what JAMES LANKFORD had achieved and what a bipartisan bill would have made.

So you can say what you want and make all the speeches about bodies and suffering, and I am sure most or some of that is true. But the bottom line is, when you had a chance to do something about it with the bipartisan Gang of 8 bill, you voted no, and when you had a chance to support JAMES LANKFORD's bipartisan approach to fixing the border, you were not there to be seen. You were loyal to Donald Trump and not loyal to the situation that we face in the Senate.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. CRUZ. Madam President, I ask unanimous consent that I have 2 minutes to respond to Senator DURBIN.

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

Mr. CRUZ. Madam President, nowhere in Senator DURBIN's remarks did we hear any mention of the children being brutalized by traffickers. Nowhere did we hear of the women trapped in sex slavery. Nowhere did we hear the words "Laken Riley." Nowhere did we hear "Jeremy Caceres." Nowhere did we hear a word about the dead bodies—three a day, nearly—that are being found on Texas properties. Nowhere did we hear a word about the suffering.

Instead, what did he do? He pointed to the Democrats' longstanding objection that granted amnesty to as many people as possible so they get more Democrat voters.

The Gang of 8 bill was a terrible bill. And Senator DURBIN is unhappy that democracy operated and the House of Representatives made the decision not to pass it. That is the way our system works.

That is what led Senate Democrats and Joe Biden to decide to just open the border lawlessly because they couldn't actually get the votes to pass their bill.

The Schumer bill he is talking about would have made this situation worse. And understand what Senator DURBIN is saying. It is the policy of Senate Democrats to support these open borders. They don't have any arguments on the merits.

By the way, Joe Biden inherited the lowest rate of illegal immigration in 45 years. All he had to do was nothing because we had success in securing the border. And Joe Biden and Alejandro Mayorkas deliberately broke the border, and they continue the policies in place that ensure tomorrow more children will be brutalized and more women are going to be raped. They know that, and they are not willing to do anything to stop it.

That is, I believe, immoral and wrong, and the Senate should hold a trial as the Constitution requires. We owe that to the American people.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BRAUN. Madam President, I ask unanimous consent that the following Senators have up to 5 minutes each: myself, Senator MANCHIN, and Senator MARSHALL and Senator CASSIDY for up to 10 minutes before the rollcall vote.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). Without objection, it is so ordered.

H.J. RES. 98

Mr. BRAUN. Madam President, we have had several times recently—and I am talking about since the Biden administration came into office—to where, when you can't legislate, all of a sudden you use Executive orders and rulings.

You have heard of the deep state. That is what happens when you can't get your way legislatively, which means you have got to get 60 Senators corralled here to do it, and you start

doing things—in many cases, pushing legal limits administratively. That is when government has gone wild.

I want to take you back to about a little over a year and a half ago when COVID was in the rearview mirror. If you remember, there was the effort to try to force vaccinations on every individual in the country working for an employer with 100 employees or more. That would have been almost everyone. You had folks in Indiana that owned businesses wondering, now that this was all in the rearview mirror: Why would you do it? It is government gone wild.

It was our office that dusted off the Congressional Review Act that said enough is enough. Of course, Speaker of the House PELOSI wasn't going to take it up there. We did pass it in the Senate. And thank goodness the Supreme Court came in about 2 weeks later and said: Enough is enough; that is unconstitutional.

We had to do it another time on all your hard-earned money you put into your investment accounts. You heard of ESG—environment, social, and governance—that that should be of equal value as return on investment. You know it shouldn't be. That is when you are trying to weave in ideology along with investment returns. We had to dust it off again. And that passed in the Senate and the House and generated President Biden's first veto.

The number of times we have had to do it since then—too many to count. We are doing it again here this evening.

I have led bipartisan letters to the NLRB, National Labor Relations Board, raising concerns about its proposed rule regarding joint employer status over the past couple years to no avail.

And what they are wanting to do—again, this is getting into Main Street, into small business, and leveraging that Executive power to do something that would mess up what has worked well for a long time.

This rule replaced the 2020 joint employer rule that focused on "direct and immediate control" as the criterion and replaced it with an "indirect, reserved" control standard, which means it is subjective; you can do whatever you want because you don't want that particular rule that would have kept it where it has always been and where it has worked.

It has caused confusion for franchise owners for years; in fact, franchisees just as bad. Those are the Main Street business owners. It would have immediate and long-term negative effects on millions of workers in thousands of businesses when the economy is already reeling from the inflation and the sugar-high economy based upon borrowed money spent to help few parts of it. That is what they have given us, and then they want to do this. Franchisors and franchisees, Main Street America, gets impacted by it.

Moving forward with this misguided rule, the NLRB would hurt entrepreneurs. That is the backbone of our economy. They are the ones who start things that someday may become a larger business. Thirty-two percent of small business owners say they would not have a business if it were not for franchising. The NLRB should not move forward with this joint employer rule because it will have a negative economic impact. It is actually inconsistent with common law. The Board should maintain the 2020 rule. It wasn't broken. It was working. They seem to be doing everything to try to fix it when it is not broken.

I yield the floor to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I rise today, and I agree with my friend and my colleague from Indiana Senator BRAUN, my friend and my colleague from Louisiana Senator CASSIDY, and my friend and my colleague from Kansas Senator MARSHALL.

I rise today in support of the joint resolution of congressional disapproval to overturn the National Labor Relations Board's new joint employer rule.

This rule is just another example of Executive overreach and the partisan politics that we deal with all too often.

Small businesses are the heart of our economy, from the States like myself in West Virginia—small, rural States. This is the backbone of our business society. And especially, we have 98 percent of our businesses are small in West Virginia. I don't have one city in my State with a population greater than 50,000. So I am 1.7 million of small towns and cities. This is who we are.

The COVID-19 pandemic was hard on small businesses and franchises, with an estimated 32,700 franchise businesses closing during the first 6 months of the pandemic. The last thing they need is greater uncertainty caused by this rule.

And the joint employer rule has caused confusion for franchise owners for years—telling them they could be held liable for actions taken by businesses with their brand, potentially subjecting them to corporate control.

Franchising is a pathway to entrepreneurship for Americans across the country, and it helps build generational growth. By providing access to capital, training, managerial assistance, and a system of support, which is so needed in small rural areas, the franchise model helps many Americans overcome the numerous barriers to owning their own business—for the first time, the dream coming true of having your own business and controlling your destiny.

One out of every three franchise owners say they wouldn't own a small business without the franchise business model that they buy into. The unique model is used by over 5,000 independent businesses in my State of West Virginia, providing over 45,000 jobs.

This new rule has further confused the issue and put the franchise model at risk. Under this rule, businesses are liable for entities they do not control. I repeat: Under this rule, businesses will be liable for entities that they do not control. And it makes no sense.

Let me give you an example. If under this brand there are uniform standards for their products or they would require hair nets to be worn, they would then be found as a joint employer. It is as simple as that, if that is part of the model that you buy into, part of the franchise you bought has certain requirements to deliver products safely and healthfully.

This is despite the fact that they have no responsibility—no responsibility—or role in hiring, firing, or wage decisions for the employees in any way, shape, or form.

Does that make any sense? It just doesn't.

Franchisees, for years, have enjoyed the independence of running their own businesses and making their own decisions about their employees, working with their employees in joint relationships. If a franchisor is now held responsible for these decisions, the franchise model will essentially no longer exist. The guidelines won't be there because they are totally liable and responsible.

The bottom line is, this rule will shut the door on thousands of Americans who want to start—or maybe already have—a business and fulfill the American dream. That is why I introduced the Congressional Review Act with the Senators whom I just mentioned and our colleagues to make clear this rule does not work.

Businesses should not be liable for entities they do not control. The National Labor Relations Board moved forward on this rule without bipartisan support, and I can assure you they did not have my partisan support.

A member of the Board even found that this rule would be “even more catastrophic” than previous attempts to change the standard and potentially “harmful to our economy.” We know previous attempts to change the joint employer standard resulted in a 93-percent—I repeat again, 93-percent—increase in litigation, a loss of over 376,000 job opportunities, and were eventually struck down by the courts.

This doesn't work. The courts have already ruled it doesn't work. And it will happen again, but here we go. Here we go.

We should be focused on bolstering our economic growth and protecting Main Street businesses, not obstructing them.

I am standing here today for the thousands of small businesses not only in my State but across the country. There are hard-working employees in the surrounding communities who are going to be harmed by this rule.

I encourage my colleagues on both sides of the aisle, my friends on both sides, Democrat and Republican, basi-

cally to vote yes on this resolution and allow us to continue to work towards a bipartisan, commonsense solution instead of a more partisan, political position.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CASSIDY. Madam President, the Senate will soon vote on the Congressional Review Act resolution of disapproval, hoping to overturn the Biden administration's new joint employer rule. This policy threatens the viability of the American franchise model in favor of coerced unionization.

There are 800,000 franchise businesses operating in our communities. They employ over 9 million Americans. The franchise model has particularly empowered underrepresented groups in the business community, such as women and people of color. This allows them to become a successful business owner, to live the American dream, and to create an opportunity for their own family and for their employees.

President Biden's new joint employer rule threatens this critical business model. It forces legal liability onto franchisors for the labor decisions of individual franchise owners despite the franchisor having no operational authority over the business's employees.

Saddling franchisors with liability for thousands of franchise owners that operate as small businesses is a sure way to destroy the system of franchising. According to the International Franchise Association, when the Obama administration imposed a similar policy, small businesses lost \$33 billion per year collectively due to increased liability costs.

The Biden administration's policy has strong opposition from Republicans and Democrats. It is also opposed by over 100 organizations, including those representing small businesses and workers who will be severely impacted.

It is not surprising that the joint employer rule is a major priority for large labor unions. It is easier for unions when they only have to negotiate with one major entity rather than with each individual small business. This allows the union to wield more influence in the collective bargaining process.

President Biden promised to have the most pro-union administration in history. This priority should not be making it easier to forcibly and coercively unionize workers while undermining the business model of the establishments they work for. It should be supporting workers and increasing economic opportunity. Unfortunately, this policy does the opposite. It threatens the jobs of the over 9 million American workers employed by and earning a living from the franchise business model.



I close by encouraging all my colleagues to pass this bipartisan CRA resolution and support those Americans who otherwise would not be able to own a business without the franchise model. Let's stop this harmful overreach that only hurts jobs and economic development in our communities and denies opportunities for Americans seeking a better life.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MARSHALL. Madam President, I want to thank also the Senator from the great State of Louisiana for his leadership on this very important issue.

The joint employer rule from the NLRB will crush the franchise model as we know it. It is going to crash the model of business that brought financial freedom to millions of Americans.

What I love about the franchise models everywhere I go, visiting with these owners—it has been so helpful for minorities, for veterans, for women. These franchises provide a model, the framework on how to be successful, but this new rule from the NLRB would destroy the model as we know it.

Now, I am not sure that Kansas had the first franchise, but in my mind, they did. I remember when Pizza Hut started. It was started by some students out of Wichita State University delivering pizzas to their fellow students. Not long after that came Rent-A-Center, Freddy's Frozen Custard, Goodcents subs, and many, many more. And that story has been repeated all across the country. These businesses started off small but through franchising were able to grow into national successes. Today, there are 7,500 franchises employing 75,000 employees across the State.

Now, again, everywhere I go across the State of Kansas, people want to talk about inflation, but what is becoming more prominent, especially to a business owner, is regulations, just this overburden of regulations that is keeping us all down and driving up the cost of doing business. More regulations means more money, more cost to that owner.

The question I get from folks is, Why does the White House want to fix something that is not broken? Listen, the system is working just fine right now. So why are we trying to fix it?

I remember President Reagan talking about the 10 words every American hates to hear: "I'm from the government, and I'm here to help you." We need less regulations, not more regulations.

This definition is overly broad, and this rule threatens the success stories for all those happy endings, for all those American dreams that have become true. Instead of being independent business owners, franchisees will be reduced to middle managers—killing jobs, killing income as well. This rule attempts to trigger joint employer status if two employers share

the essential terms and conditions of employment but then talks about indirect control as one of these terms and conditions. So instead of making overly broad and burdensome rules, we should pass bills like our own Save Local Business Act, which provides clear and consistent standards for treating joint employment status.

I ask my colleagues to join us in supporting this CRA. This rule from the Federal Government is a solution in search of a problem.

I yield the floor. The joint resolution was ordered to a third reading and was read the third time.

VOTE ON H. J. RES. 98

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

Mr. MARSHALL. 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 clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Utah (Mr. LEE).

Further, if present and voting: the Senator from Utah (Mr. LEE) would have voted "yea."

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—50

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

NAYS—48

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

NOT VOTING—2

Lee	Menendez
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The joint resolution (H.J. Res. 98) was passed.

The PRESIDING OFFICER (Mr. OSSOFF). The Senator from New Hampshire.

PROHIBITING THE USE OF FUNDS TO IMPLEMENT, ADMINISTER, OR ENFORCE CERTAIN RULES OF THE ENVIRONMENTAL PROTECTION AGENCY—MOTION TO PROCEED

Ms. HASSAN. Mr. President, I move to proceed to Calendar No. 350, S. 4072.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 350, S. 4072, a bill to prohibit the use of funds to implement, administer, or enforce certain rules of the Environmental Protection Agency.

RESOLUTIONS SUBMITTED TODAY

Ms. HASSAN. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions: S. Res. 634, S. Res. 635, and S. Res. 636.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Ms. HASSAN. I ask unanimous consent that the resolutions be agreed to; that the preambles be agreed to; and that the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions were agreed to.

The preambles were agreed to. (The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Chairman of the Senate Committee on Amred Services, pursuant to the provisions of Public Law 117-263, appoints the following individual to serve as a member of the National Commission on the Future of the Navy: Harlan Kenneth Ullman of the District of Columbia.

MORNING BUSINESS

NATIONAL ECONOMIC DEVELOPMENT WEEK

Mr. TESTER. Mr. President, I rise today to recognize the contributions of economic development organizations and economic development professionals in Montana and across the Nation in honor of National Economic Development Week.

Every May, we recognize the valuable work these men and women do to create high-quality, good-paying jobs for folks across the country. Our economic developers are essential in building and strengthening many of the building blocks that our communities depend on and are critically important to achieving a thriving economy.

And it is not just about creating jobs. Our economic developers are a vital