

the Senator from Minnesota (Ms. SMITH), the Senator from Georgia (Mr. WARNOCK), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The result was announced—yeas 50, nays 43, as follows:

[Rollcall Vote No. 239 Leg.]

#### YEAS—50

Barrasso	Grassley	Moreno
Blackburn	Hagerty	Mullin
Boozman	Hawley	Murkowski
Britt	Hoeben	Paul
Budd	Husted	Ricketts
Capito	Hyde-Smith	Risch
Cassidy	Johnson	Rounds
Collins	Justice	Schmitt
Cornyn	Kennedy	Scott (FL)
Cotton	Lankford	Scott (SC)
Cramer	Lee	Sheehy
Crapo	Lummis	Sullivan
Cruz	Marshall	Thune
Curtis	McConnell	Tillis
Daines	McCormick	Tuberville
Fischer	Moody	Young
Graham	Moran	

#### NAYS—43

Alsobrooks	Hickenlooper	Reed
Baldwin	Hirono	Rosen
Bennet	Kaine	Sanders
Blumenthal	Kelly	Schatz
Blunt Rochester	Kim	Schiff
Cantwell	King	Schumer
Coons	Klobuchar	Shaheen
Cortez Masto	Lujan	Slotkin
Duckworth	Markey	Van Hollen
Durbin	Merkley	Warner
Fetterman	Murphy	Warren
Galleo	Murray	Welch
Gillibrand	Ossoff	Wyden
Hassan	Padilla	
Heinrich	Peters	

#### NOT VOTING—7

Banks	Smith	Wicker
Booker	Warnock	
Ernst	Whitehouse	

The joint resolution (H.J. Res. 60) was passed.

#### GUIDING AND ESTABLISHING NATIONAL INNOVATION FOR U.S. STABLECOINS ACT—Motion to Proceed

The PRESIDING OFFICER (Mr. HAGERTY). Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1582, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to Calendar No. 66, S. 1582, a bill to provide for the regulation of payment stablecoins, and for other purposes.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### SOUTHERN BORDER

Mr. LANKFORD. Mr. President, I spent last weekend along our southern border, again, as I have done many weekends, to be able to get down to the border in different areas. Last weekend, I went down to the San Diego-Tijuana border area.

In that area, there are 1.3 million people living in San Diego. That city bumps right up against our border with Tijuana. Tijuana, Mexico, has over 2 million people living in that town.

There is a 30-foot fence that actually separates the two there. That is a double-section fence. It is incredibly important to be able to manage that border, not only for the crossing of traffic

illegally but also for the crossing of legal traffic. One of the largest ports and traffic movement of people and cargo in the world is right there, and it is an incredibly important location for us.

I went there to be able to see the implementation of the new authorities and the things that the President is actually implementing there that have so precipitously dropped the movement of illegal immigration and have dramatically increased the number of interdiction of drugs that are moving through that area. That literally benefits the entire country.

What I found when I visited with the folks from CBP was that morale was up and the chaos is down. I found folks who are there that are law enforcement professionals actually doing law enforcement. When I visited with some of those same folks before, during the Biden administration, they were being treated like hotel check-in staff that were being asked to actually just move people into the country as fast as possible. Now, they are actually able to do their jobs, to actually enforce the law, and to do what they signed up to do. And they are eager to be able to protect the Nation and know full well the threats that we are facing.

In that area in San Diego, we have had more of what are called special-interest aliens move through that area of our border than any other area of our entire 2,000-mile-long border with Mexico. People from Russia, China, from Central Africa, from Uzbekistan, and from multiple other places fly into Tijuana and then literally drive up to the gap in the fence and walk across, right into the United States.

At least, that is how it used to be. That is not what is happening anymore.

So I wanted to be able to talk through with this body a few of the things that I saw there and the work that is still undone.

One, that section of the gap in the fence is right there at Tijuana, on the eastern side of San Diego. That gap is still there, but something has changed. Construction is beginning to be able to close that gap, and it is incredibly important. It is one of the first places that CBP and Border Patrol took me to and pointed out to say: We need this gap closed. It is very important that we actually get this gap secured because it is in a very remote area, difficult to traverse, and it is dangerous for our Border Patrol folks to have to be able to chase someone through that area.

In fact, while I was in that area, around that gap, I literally watched one of the Lakota helicopters come in and to be able to identify someone who was literally cutting through that area and smuggling right through that zone. The good news is things are different now, and that person was caught because we have the manpower in place to be able to catch them.

And that person will be deported immediately. That is also a big change that has actually occurred.

So things are different in what is actually happening there, and I am grateful to be able to see the chaos going down and the morale and the enforcement going significantly up. That gap in the fence will be closed in the days ahead. And as one of many requests the Border Patrol has: just help us have a deterrent in this area so that we can better patrol and be able to chase folks down that are violating American law.

They need additional personnel as well. I will talk a little bit about that in a moment. They need additional resources to be able to do their tasks, and they need additional authorities to be able to make sure they can fully execute the law that is put in front of them.

Something that was interesting—the multiple times I have been to the border the last several years—often the Border Patrol would tell me they can't put checkpoints up anymore. They used to have checkpoints on the major highways as they were headed north away from the border, and they would check vehicles for people being smuggled and drugs being smuggled into the country and other contraband. They weren't able to do that because they were asked to actually go to the border to facilitate people coming in, and so they could no longer do those checkpoints.

Guess what. Those checkpoints are back up again. They are actually stopping people on the highways now to be able to check and see if there are drugs there that have found their way across the border and are moving north, and they are interdicting narcotics again there.

They are able to actually process a lot faster turning people around, to have the people at the checkpoints, and to be able to do the enforcement because the numbers are so precipitously lower than what they used to be.

What does that mean side by side? A year ago, we had some days we had 12,000 people a day illegally crossing our southern border—12,000 people a day.

Last week, most days were around 200. In fact, for the first time that I can remember in a very long time, when I checked in at the Border Patrol station and was talking with them about where things were going and how things were going and what has changed, as we walked past the area they would typically check in unaccompanied minors, that room was empty. I can't remember the last time I walked past, and there were zero unaccompanied minors that were there.

The border is being enforced. It is bringing some sanity to our southern border. It is an enormous help and change. But there are a couple areas for cartels that are obviously money-making organizations—they are very focused on what they are going to do next.

Literally, right there at the port of entry, they discovered a tunnel being dug directly under the port of entry to be able to smuggle drugs and people in.

Now, our teams were able to find it, identify it, and they are going to shut it down, but the cartels continue to be able to move and to be able to find other ways. We should make no mistake, just across the border from San Diego, there are three active criminal cartels that are ruthlessly killing each other. They are ruthlessly killing anyone that would try to cross the border without paying their fee, and they are determined to bring violence to Northern Mexico and chaos to the Southern United States and push as much drugs as they possibly can into our country. We should make no mistake about that.

They are determined to be able to do that, and we should do whatever we can to be able to stop that violence and that chaos.

The other thing that came up over and over again was now that the southern border—the land border—is being shut down, the cartels are not only drilling tunnels now, but they are also putting folks on jet skis and in Panga boats, taking them out into the Pacific and trying to be able to come around the maritime barrier and be able to drop off somewhere around the California coast.

Just this week, we had a smuggler that was smuggling folks in a Panga boat just on that exact route that capitalized in the Pacific, and multiple people died. Our Coast Guard went and responded and rescued multiple people as well. Those folks will be processed, and they will be returned right back to Mexico again.

But that is the kind of danger these folks face to be able to come across. The cartels don't care about the people that they are moving. They just care about the dollars. They don't care about America. They just care about pushing drugs on us so that they can make more and more money.

I had the opportunity to be able to do a ride-along with some of the Coast Guard and be able to see firsthand some of the things that they are doing. They need additional resources. This body should pay more attention to the Coast Guard. They are not only important for our national security or foreign threats coming at us but for our port security and rescues that are off coast, but they are also being pushed really hard right now by the cartels trying to be able to smuggle drugs and people into the United States. The Coast Guard needs this body to be able to stand alongside of them so they can do their job.

They are remarkable people that are literally out there every single day, working to be able to help our country, and I was exceptionally grateful to get time with them to be able to see what their day looks like, how things are going, and the important work that they are doing.

As the Border Patrol is seeing fewer coming across the land border, the Coast Guard is seeing more. So we have got to pay attention to all areas of our border.

I did note a couple things that I have read. That was interesting for me to actually go down and to be able to see because I have seen all these media reports, all these different pieces of fake news that are coming up or all these different challenges about what the Trump administration is doing at our border.

I could highlight a bunch of them, but let me highlight a couple of them that came up. I have heard over and over again that the Trump administration is not honoring due process. They are not honoring due process. They are ignoring the Constitution to be able to do that.

Interestingly enough, just last week, President Trump's DHS released an extensive release that they called 100 days of fighting fake news.

One of the items that they listed as the fake news that they are fighting is that aliens don't go through a process. Their statement: They do, according to the Constitution.

Secretary Rubio also made that same statement on "Meet the Press" as well, saying everybody goes through due process—everyone has a process.

Illegal aliens do not have rights like American citizens. No one is denying that. That is a fact. But there is a process they are being taken through. The law is being followed. I watched it personally.

When people come across our border illegally, here is what is actually happening along our border. They are arrested. They are being instructed by law enforcement that they violated American law, that they are not legally present, and they are being immediately turned around and sent back to their country. That is the legal process.

For individuals that were coming in from China—and I saw several that were actually being processed through that—they are being detained. Then they are being put on the next plane out.

Special interest aliens aren't being released into the country anymore like they were under the Biden administration by the thousands. They are now being sent back to their countries, as they exactly should be, following the exact legal process that should be done.

And I saw for the first time in a very long time a legal process being done that if you cross our southern border and you have been deported before—which is why we don't just grab them at the border and turn them around. We actually get fingerprints, get information from people in the processing. If you are coming a second or a third time, I watched the prosecution by U.S. attorneys actually prosecuting individuals there through that process, getting them a felony and then putting them on a bus back to Mexico again.

They are following the law. They are going through exactly what the process is doing. They are doing the legal process.

I also heard over and over again this fake news about our military going down and our military taking over our border. I actually got a chance to be able to meet some of our military down there. They are doing pretty remarkable work along our border.

We have got engineering groups that are there that are helping beef up that border wall, finding areas where folks are finding ways to be able to scale a 30-foot wall, finding ways to be able to strengthen that wall to make sure that never happens again.

That is some of our military engineering groups doing that.

I watched that Lakota helicopter that I mentioned before. That Lakota helicopter is actually a military helicopter. Their job is not to arrest. That is Federal law enforcement on the ground who is doing it, but they are able to be an extra set of eyes in the air to be able to identify folks that are getting around those gaps in the wall, smuggling in people and smuggling in drugs so our Border Patrol can focus in on those areas.

I watched members of our military sitting at a workstation with the Coast Guard at the port area, helping monitor the different cameras that are in our port area, looking for those jet skis and those Panga boats that are smuggling in people and drugs.

They are doing a great job. I am grateful those folks are there. But this body needs to have a further conversation about how do we move more Coast Guard folks there so that they can take on that job, allowing our military to go back to doing their first job. How we can actually reinforce some of the resources that are needed so that our military can do their first task, and our DHS folks can do their first task?

So, yes, it is more fake news that our military is there actually being law enforcement. They are not being law enforcement, but they are helping our law enforcement to make our law enforcement even more effective.

I am grateful to be able to see the numbers drop so much, allowing our law enforcement to go back.

If I can just make this one last statement: I won't ever forget standing at that port, which is incredibly busy—lots of trucks coming through, lots of Customs screenings and everything, all the things that are happening—and I asked the Customs folks there: What has changed?

They said: We are able to catch a lot more drugs now than we were able to catch because we have got more time to focus in on catching those drugs.

This is going to make a huge difference in America for us to be able to focus on illegal activity coming across our border. When those numbers drop, we are able to go more after what is the worst of the worst coming into our country.

I am grateful to see the work that is happening on our southern border. We all should go see it.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

#### CLEAN AIR ACT WAIVERS

Mr. PADILLA. Mr. President, colleagues, when Donald Trump returned to the White House a few months ago, there were a whole lot of people throughout California and beyond that knew that California had a target on its back.

For more than half a century, we have been trailblazers in a number of policy areas but especially in the fight for environmental protections and public health protections.

And for the last decade, we have been proud to—shouldn't have to—but proud to stand up to each and every one of Donald Trump's attacks on our clean air and clean water, not just through his rhetoric but through his actions.

So while the particular procedural battle that we find ourselves in today over the Clean Air Act waivers may be new, the larger war on California's climate leadership and progress is not new.

Thanks to the Clean Air Act, for 50 years, California has had the legal authority to set its own emissions standards to protect the health of our residents and our natural resources. This authority was granted by Congress on a bipartisan basis in recognition of California's unique air quality challenges but also its capabilities as policy leaders.

But today, Republicans are threatening to distort the Congressional Review Act and the CRA process in an effort to slow down our progress.

Now, one of the most outlandish things I have heard from my Republican colleagues these past few weeks—as it pertains to these Clean Air Act waivers—is that they are concerned that these waivers and other regulations would stifle the California economy, that “the market is not ready,” or I have heard some say that they are concerned this could raise prices on consumers.

Really? These are the same Republican Members who have stayed silent on Donald Trump's imposed universal tariffs that are actually already increasing prices. So now you are worried about increased costs for American families. Where have you been these last several weeks?

But I have some good news for you: In case you haven't heard, California has proven this argument wrong already. In recent years, you have heard me reference, time and again, that California was the fifth largest economy in the world.

Well, as of a couple weeks ago, California is now the fourth largest economy in the world. Imagine that. Policy leadership, climate leadership, and economic growth, they don't have to be mutually exclusive. We can and must focus on doing both.

Now, California didn't get there by just holding on to technologies of the past. We did so by innovation and investments in clean technologies. So we are proving that you can be for clean air and for business and economic growth.

But I want to be clear in this discussion that it is not just why Republicans are trying to undermine California's climate leadership, it is worth emphasizing the concerns of how they are going about it.

This session, Colleagues, I have the honor of serving as the ranking member of the Rules Committee. I want to make sure that everyone understands what this proposal, this proposed abuse of the CRA process, would actually do here, because, you see, the Clean Air Act was passed under regular order.

So if Republicans want to amend the Clean Air Act to address California's legal authority, bring it up for a vote. But Republicans aren't bringing it up for a vote because they don't have the votes to do so under regular order.

So, instead, they have to try to figure out a back door to avoid the legislative filibuster. They want to kill California's Clean Air Act authority with a lower 51-vote threshold. In plain English, they are trying to change the rules of the Senate in order to please Donald Trump and the Big Oil lobby.

So let me share another bit of news for you in case you have not heard it: The Senate Parliamentarian has already decided that this is not allowed by Senate rules. The Parliamentarian's determination—which I am happy to share with anybody who is interested and has not seen it. The Senate Parliamentarian's determination came after the independent and nonpartisan Government Accountability Office said that the EPA and Republicans were twisting the rules in their efforts to target California twice.

There was a bill introduced around the time of the GAO's findings and before the Parliamentarian's findings, a Republican bill sponsored by the now chair of the Energy and Natural Resources Committee and the Environment and Public Works Committee, the fact sheet for this bill says—and I quote:

California's power to influence national emissions standards . . . is not subject to Congressional review.

Republican bill, Republican fact sheet, that is the purpose of the bill because they know that you can't do this through the CRA process as some are now proposing to do. And yet there are others in the Republican conference that are insisting on moving forward.

So let me remind all of us on both sides of the aisle, the Senate has never overruled the GAO or the Parliamentarian on a CRA question. So it is clear to me that this is about more than just California's climate policies and leadership. This would set a major new precedent that blows way past the bounds of the Congressional Review Act.

It is not an insignificant change to the rules. It is not an insignificant precedent that you would be setting. If successful, it would open the door to ignoring the Parliamentarian on any ruling that you don't like.

And if Republicans can ignore the Parliamentarian on the CRA, then why not the tax rule that they are working so hard on, or healthcare, or anything else?

But luckily, I am holding out some hope because I have come across some remarks by several Senate Republicans with respect to the impact on the rules.

You see, earlier this year, the majority leader said that ignoring the Senate Parliamentarian would be “totally akin to killing the filibuster. We can't go there.”

This is on the public record.

The junior Senator from Utah said that “a red line for” him “is overruling the Parliamentarian.”

The senior Senator from Maine said she would “never vote to overturn the Parliamentarian.”

So for other Members who have not taken a position on whether or not they would overrule the Parliamentarian or not, the recognition of it being akin to eliminating the filibuster, that is a redline that maybe you don't want to cross, maybe you do want to cross, but I will call attention to the fact that the redline is here now, and each Member of this body has a decision to make.

The Parliamentarian has ruled that this effort cannot be done on a 51-vote threshold. And if you choose to go forward and overrule the Parliamentarian, just know, there is no going back. All bets are off.

With that, I would like to yield to the ranking member of the Senate Environment and Public Works Committee, my colleague and friend from Rhode Island.

Mr. WHITEHOUSE. I am actually happy to yield to Senator SCHIFF from the California delegation. OK. He is happy with me going, so I will go.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, first, both of my colleagues from California are here, and I want to thank them for coming to the floor today to talk about this important matter in which Republicans want to appease their donors, and they want to break basically two Senate rules in order to get there—not just one, but two.

The underlying matter here is about a law, the Clean Air Act, which falls in the jurisdiction of the Environment and Public Works Committee. So that is why I am here.

A different law, the Congressional Review Act, creates a fast-track procedure in the Senate to disapprove Agency rules.

For the most part, that Congressional Review Act, the CRA, is focused on rules during a short period immediately after they are made final and

before they go into effect. We get a window where we can disapprove a rule from Congress.

As soon as an Agency finalizes the rule, it submits the rule to the Government Accountability Office and to both Houses of Congress. That starts a 60-day review clock. That CRA also provides a lookback period where a Congress can reach back into the final 60 days of a previous Congress and review rules from a prior administration.

The waivers go way back before the CRA period. Generally, there is no question what constitutes a rule under the CRA. There are different acts that the government can do. There are decisions; there are rules; there are laws.

A rule is a specific thing under the CRA. Sometimes there are problems. Sometimes Agencies don't submit actions to Congress that have typically been deemed rules, and sometimes, as here, they submit as rules actions that have never previously been considered rules.

GAO polices whether the submitted action was, in fact, a rule. That is the law. That is a GAO legal responsibility. GAO has weighed in about 60 times in the history of the Congressional Review Act. When GAO determined that the action involved was a rule, the action was then deemed submitted and the review clock started.

When GAO determined the action was not a rule, that was the end of it. Congress stood down. No one—no one—moved a CRA resolution of disapproval following a negative finding by the GAO. Never.

Which brings us to this first oddity. In 2023, Members asked GAO whether an EPA Clean Air Act waiver decision for California was a Federal rule for purposes of the CRA. GAO said, no, correctly, because it wasn't.

Like every other time, that settled that. And GAO's "no" comported with the text of the CRA and the waiver provision originally in the Clean Air Act that created the California exception and 50 years of Agency precedent treating waivers as decisions, a different type of adjudication which the Administrator Procedure Act distinguishes from rules.

EPA itself, across multiple administrations, Republican and Democrat, never, never called waivers rules under the CRA, not even under the first Trump administration.

Then, in February, after much lobbying by the oil industry, the Trump EPA submitted notices of three waiver decisions, one from more than 2 years ago, far beyond that 60-day lookback period. Upon a request from the three of us, the two Senators from California and myself as ranking member, GAO confirmed its previous 2023 opinion not long ago—this is not ancient history—and found that notwithstanding EPA's politically motivated submissions to try to get into that CRA window, the California waivers simply are not rules. So the CRA does not apply.

GAO pointed out to EPA that the waiver notices, on their face, indicate

that they are decisions rather than rules. But that wasn't enough, so we had to go to the Parliamentarian, who heard arguments and debate from both sides, and the Parliamentarian affirmed GAO's decision.

I will offer the opinion that it was not even a close call because the unblemished record has always been that this is not a rule over decades.

The Parliamentarian ruled that Clean Air Act waivers do not qualify for expedited consideration under the Congressional Review Act. Every other time the Senate has reached this point, every other time, Members have respected the decision of the Parliamentarian and that ended the matter. Not this time.

This time, a faction in the Republican Party wants to overturn decades of precedent, ignore the GAO and the Parliamentarian, who are the lawful guardians of this process, and steamroll forward in violation of the plain text of the Congressional Review Act by deploying the nuclear option.

Once there is precedent that anything an Agency does can be considered a rule, the time and scope limits of the Congressional Review Act have no meaning. Any Agency action ever could be swallowed up in the new Congressional Review Act definition.

Think about how the Trump administration might abuse this. At least one Member of this body previously asked GAO if FDA's decision to allow pharmacies to dispense mifepristone qualified as a rule for the purposes of the CRA. GAO said no, and it ended there. If we overrule GAO and the Parliamentarian on the waivers, nothing stops the Trump FDA from submitting the decision as a rule and Members from introducing a disapproval resolution and proceeding through this new loophole.

Everyone knows by now that President Trump has a beef with a whole host of media outlets, some of which are licensed by the Federal Communications Commission. What is to stop the FCC from submitting, say, CBS's license as a rule? And Members from introducing a disapproval resolution? Is this really the path we want the Senate to go down?

A future Democratic administration could submit every oil and gas lease issued since 1996 as a rule and pursue disapproval of them under the Congressional Review Act.

Colleagues, we have already given away too many article I powers to the executive branch, do we really want to give the executive branch this power to submit anything and everything as a rule and allow Members to hijack the floor with CRA resolutions? That would be a new way for this Senate to work.

Then there is the question of overruling the Parliamentarian, the nuclear option. The import of overruling the Parliamentarian extends way beyond Congressional Review Act resolutions. Once you have overruled the

Parliamentarian on a legislative matter, there is no going back. All bets are off.

Any future majority would have precedent to overrule the Parliamentarian on any legislative matter. There is no cabining such a decision. It is tantamount to eliminating the filibuster. Once "you give a mouse a cookie," it never ends.

Pretend all you want that these waivers are exceptional or that any precedent overruling the Parliamentarian would be limited. That is not the way it works. Soon, some Members will think their thing is exceptional and push to use this precedent, and on and on it will go, if you give the mouse the cookie.

You would be upending 50 years of treating preemption waivers as Agency decisions and not rules, 30 years of deferring to the GAO and the Parliamentarian on what constitutes a rule for purposes of the Congressional Review Act, and centuries of Senate precedent and procedure—all that while there is actually another path.

In 2019, the first Trump EPA used the administrative process, the Administrative Procedures Act, to withdraw a previously granted Clean Air Act waiver that permitted California to set car standards.

So I ask my Republican colleagues: Is this worth it? Is it worth going nuclear in the Senate to accomplish something that the EPA could try to accomplish under the Administrative Procedures Act on its own? Is it worth going nuclear, knowing full well the Pandora's box this will open?

I will close with the advice my colleague from California shared from the majority leader, the senior Senator from South Dakota. He said earlier this year that overruling the Parliamentarian would be—and I quote him—"totally akin to killing the filibuster. We can't go there. People need to understand that."

So, please, do understand that, and don't go there.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from California.

**Mr. SCHIFF.** Mr. President, I thank Senator WHITEHOUSE for his remarks. He has been our environmental champion in the Congress for many years, and he led the effort to insist that the Senate follow the rules when it comes to protecting our environment and when it comes to preserving the power of the Parliamentarian.

**Mr. President,** this is downtown Los Angeles in 1955. It was the postwar era, with the rise of the personal automobile, the baby boom, and the rapid expansion of American cities and suburbs in the West. Suddenly, millions of families were experiencing firsthand, and for the first time, the most serious environmental impacts of unchecked industrial and manufacturing activity. Many could not walk through the streets of our cities without handkerchiefs to their face.

The iconic Ford and Chevy automobiles of the 1950s and 1960s kept their roofs shut. And, in some cases, the smog was so bad that people mistook it for a chemical weapons attack. And here is the thing: It got worse, not better, over the coming decades.

President Trump often speaks of restoring America, of making America great again, taking us back to that postwar period, with the rapid economic expansion and runaway prosperity of the wonder years. Well, his tariff wars have ended any hopes of an economic boom, and he now has the country headed in exactly the wrong direction, toward an economic bust instead.

And if he and Republicans get their way in the coming days, our Nation and our air will be on a trajectory back to 1955, all right. We will make an America where our spacious skies will be clogged and smoggy and our purple mountains' majesty will be hidden behind a haze that comes with letting oil companies call all the shots in Washington.

Back then, in reaction to these horrific air conditions, as well as devastating oil spills and other environmental hazards, California helped launch the modern environmental movement. In 1966, California became the first State to regulate tailpipe emissions to tackle this smog head-on. In fact, some of our biggest achievements and biggest actions took place under Republican Governors.

And wouldn't you take action? I mean, look at this. If this was your city, if this was your State, wouldn't you take action to deal with air pollution this bad, where you can barely make out the skyline, the skyscrapers? Where a body of lawmakers, many of whom, like me, served in State legislatures before coming to Congress, if you saw your State schoolchildren being choked by smog like this, wouldn't you see it as your job to step up, regardless of party politics? That is the fundamental right of any State and its legislature. In the face of threats against your kids and your own families, you do something.

And that is what California did and has continued to do, so often setting the standard for the rest of the country.

We in California are 1 out of every 10 Americans. We have a right to protect our citizens, our environment, our ability to live. After all, life, liberty, and the pursuit of happiness are all impossible if we can't breathe.

In the 1960s, through the Clean Air Act, Congress granted California the ability to set standards for itself when it comes to air pollution. Under Republican President Richard Nixon, we even formed the Environmental Protection Agency. Through Democratic and Republican administrations and Congresses, that authority and promise has been upheld. Nearly 60 years of environmental protection has made the Golden State the gold standard for protecting our planet.

But now Republicans in Congress and Donald Trump are willing to ignore their own promises to punish California and to reward Big Oil. They are trying to break the Senate rules to make California's air dirtier, to make it harder and less safe for Californians to breathe, all to please the oil industry.

That is just wrong. And don't take it from me. "We can't go there." That is what the Senate majority leader said about the prospect of overruling the Parliamentarian merely 5 months ago, as did his Republican predecessor, who said:

Abiding by the ruling of the Parliamentarian is central to the function of the Senate.

The Senate Parliamentarian, he said, is the "final" word.

And, please, if they try to tell you this is not overturning the Parliamentarian, you must not believe them. The Parliamentarian has ruled that this device—this mechanism—cannot be used to overturn California's waiver and its ability to set its own air standards. This ruling from the Senate's independent referee has been explicit and direct, and it should be respected.

I realize I am a newcomer to the Senate, and I will not ask my colleagues to stand on the long traditions of this institution, which I barely know, but they must stand by their commitments. They must stand by a State's right to make its own laws to protect its own citizens.

If the Senate goes nuclear overruling the Parliamentarian, there is no telling where the Congressional Review Act will be used in the future, by Republicans or Democrats.

Could the Senate merely vote to wipe out an entire 4 years of actions taken by a previous President? Will your State's regulations be next? What about your State's funding, your State's ability to administer programs like the Clean Water Act?

Precedent can be a hard thing to make tangible, but this is our history. This is what awaits us if we go down this dangerous road: air like this.

We will not stand idly by as this administration fights to make California's air unhealthy again. We will fight this. We must.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### LEGISLATIVE SESSION

Mr. THUNE. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. THUNE. Mr. President, I move to proceed to executive session to consider Calendar No. 76.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Monica Crowley, of New York, to be Chief of Protocol, and to have the rank of Ambassador during her tenure of service.

#### CLOTURE MOTION

Mr. THUNE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 76, Monica Crowley, of New York, to be Chief of Protocol, and to have the rank of Ambassador during her tenure of service.

John Thune, James C. Justice, Ted Cruz, Bernie Moreno, Jon Husted, Steve Daines, John R. Curtis, Tommy Tuberville, Tim Sheehy, Pete Ricketts, Joni Ernst, James E. Risch, Mike Rounds, Tim Scott of South Carolina, Eric Schmitt, Katie Boyd Britt, John Barrasso.

#### LEGISLATIVE SESSION

Mr. THUNE. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. THUNE. Mr. President, I move to proceed to executive session to consider Calendar No. 69.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Reed Rubinstein, of Maryland, to be Legal Adviser of the Department of State.

#### CLOTURE MOTION

Mr. THUNE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 69, Reed Rubinstein, of Maryland, to be Legal Adviser of the Department of State.