

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.

John Thune, John Barrasso, Cindy Hyde-Smith, John R. Curtis, Rick Scott of Florida, Bernie Moreno, Pete Ricketts, Eric Schmitt, Jon A. Husted, Roger Marshall, Jim Justice, Tommy Tuberville, Bill Hagerty, Joni Ernst, James E. Risch, Marsha Blackburn, Tim Sheehy.

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. 71.

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 Troy Meink, of Virginia, to be Secretary of the Air Force.

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. 71, Troy Meink, of Virginia, to be Secretary of the Air Force.

John Thune, Mike Crapo, Thom Tillis, Cynthia M. Lummis, Mike Rounds, Rick Scott of Florida, Roger F. Wicker, Katie Boyd Britt, Steve Daines, John Boozman, John R. Curtis, James E. Risch, John Barrasso, Cindy Hyde-Smith, Dan Sullivan, Bernie Moreno, James C. Justice.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

WAIVING QUORUM CALL

Mr. THUNE. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to Calendar No. 66, S. 1582, be waived.

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

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

BORDER SECURITY

Mr. REED. Mr. President, I rise to address President Trump's dangerous and inappropriate use of the U.S. military to carry out his immigration enforcement campaign.

Before I discuss the Trump administration's spending nearly half a billion dollars and sending tens of thousands of troops, ships, combat vehicles, and aircraft away from their real missions, I want to make clear that border security is a priority. I do not support open borders, and I believe that those who enter the United States and break our laws should be subject to deportation in accordance with the law and due process. I voted time and time again for billions of dollars of increased support for border agents, detection technology, and physical barriers where it made sense.

Mr. President, it is no secret that our borders have been under pressure for more than a decade because of a broken immigration system that congressional Republicans have consistently refused to help fix. We have considered bipartisan immigration reform bills in 2006, in 2007, in 2013, and in 2024, all of which were shut down by Republicans. The mess that we have today rests largely on their decision to put political advantage above real progress.

Now President Trump is ignoring Congress, ignoring the law, ignoring the courts, and ignoring the Constitution in order to implement an immigration policy that fails to respect due process, adversely impacts our innovation economy, and, to the point of my remarks, degrades our military.

In the name of his anti-immigrant efforts, President Trump is using the U.S. military to conduct operations on American soil that it has neither the training nor the authority to carry out. Our troops, who are already stretched thin for time and resources, are now burning time, assets, morale, and readiness for these overblown operations.

The President has declared an emergency at the border to justify using the military for civilian law enforcement—this despite border encounters currently at the lowest level since August of 2020. Over the past 12 months since President Biden's Executive actions last June, there has been a continued, significant decrease in unlawful border crossings, including a more than 60-percent decrease in encounters from May 2024 to December 2024.

In short, all along the southern border, we have seen a dramatic drop in illegal crossings and migrant encounters well before President Trump took office. A national emergency? It does not seem so.

We already have an entire Federal Agency to protect our borders and address illegal immigration: the Department of Homeland Security. DHS includes Customs and Border Protection, Immigrations and Customs Enforcement, and other law enforcement groups. I have voted consistently to give these Agencies additional resources to carry out their missions. But immigration enforcement is not and must not become a function of the Department of Defense.

Our military has long provided technical and logistical support to DHS at

the border but always and exclusively in a supporting role, drawing a clear line between military law enforcement authorities. Indeed, since the Reconstruction era, U.S. Presidents have been prohibited from using the military in civilian law enforcement by a law known as the Posse Comitatus Act. This law has kept the Commander in Chief from wielding the military as a domestic political weapon, and it continues to provide an important check on the President's ability to use the military domestically against American citizens.

I understand American citizens asking if it matters which Department enforces immigration as long as the job gets done. Well, there are plenty of reasons to be concerned by the President's current approach even if one agrees with him politically.

Most alarmingly, President Trump is taking real steps to militarize immigration enforcement. Once he uses the military for this reason, it will be easier for him to use it for other purposes. And given the tenor of his public statements, it is a reasonable fear that he may someday order the use of the Armed Forces in American cities and against American citizens.

Indeed, the Brennan Center—a law and public policy institution—recently analyzed President Trump's military actions at the border and concluded:

Using the military for border enforcement is a slippery slope. If soldiers are allowed to take on domestic policing roles at the border, it may become easier to justify uses of the military in the U.S. interior in the future. Our nation's founders warned against the dangers of an army turned inward, which can all too easily be turned into an instrument of tyranny.

Beyond these concerns, there are real, immediate consequences for our troops, which we are seeing right now.

One of the military's top priorities is readiness. America faces real, growing threats from China, Russia, Iran, and other adversaries, and the Department of Defense needs to be laser-focused on preparing troops to defend our interests abroad. It is difficult to explain the border missions as anything but a distraction from readiness.

We should acknowledge the jobs that our troops are actually doing there. In the past, up to 2,000 National Guard and Reserve troops would rotate to the border each year to assist DHS and Customs and Border Patrol with basic monitoring, logistics, and warehousing activities—non-law enforcement activities. These missions were designed to be “behind the scenes” to free up Border Patrol agents from administrative duties and return them back to the field to conduct their core mission of immigration enforcement.

Today, however, President Trump has surged more than 12,000 Active-Duty troops to the border to carry out a variety of expanded missions that do not look anything like “behind the scenes.” For example, one Marine battalion has been stringing miles and