

But something different is happening right now. Senate Republicans are using the Congressional Review Act in ways that Congress never intended. Of course, the Congressional Review Act says if a rule is implemented and you are within 60 legislative days, it can be brought to the floor and it can be overturned by the House and the Senate and that if it is vetoed, well, then the House and Senate can overturn the veto, if they have enough votes—but all about rules; no mention of waivers.

Both the Government Accountability Office and the Senate Parliamentarian said the Congressional Review Act cannot be used to overturn waivers because, quite simply, they are not rules.

You know, here is the thing, words have meanings, and you can only trust the law if those words are honored. And to magically say a waiver is a rule is a real travesty of lawmaking, but that is where we are at now.

So what is this really all about—this Republican decision to invent new meanings to existing words when every bit of common sense and every bit of legal knowledge knows that that is a lie. Why did my colleagues engage in this massive deception? It is an end-run around the policymaking process.

They could have easily said: We want to expand the Congressional Review Act to cover waivers. And then you simply craft a bill. Republicans being in charge of the Senate and the House, they bring it to the floor; we debate it; it either passes or it doesn't pass.

It has the advantage of going through committee and being considered and having people weigh in on whether it is a good idea or not. But to simply reinvent and pretend, if you will, that the color black is the color white or an orange is an apple—because everyone understands a waiver is not a rule.

So it is unfortunate that the colleagues in charge of the legislative process have so corrupted it yesterday and today, not even trying to actually enact the law to accomplish what they want but instead saying: Let's use an expedited process that doesn't go through committee, where there is very limited debate, where there are no amendments allowed, in order to do a favor for a powerful special interest.

What does that tell us about government in the United States? My colleagues are choosing to be the agents for the powerful by inventing new meanings to words that don't exist, meanings that are not supported by the Parliamentarian; they are not supported by the Government Accountability Office, GAO, because they are so dedicated to pulling the strings of government on behalf of the fossil fuel industry. That is corruption plain and simple, on full display before the American public. That is what has happened.

Think about what this means for the future of this Nation. You can't count on a waiver staying in place so how do you make decisions based on getting that waiver?

Well, you get a license from the government. But the license, maybe that looks a lot like a rule. It is an act of government. It is a decision. How is that different from a waiver? You can't count on that license not being taken away by this body.

What about a grant? A grant is a government decision. Kind of like a waiver, except it has money coming in. So now a grant can be brought here to the floor and wiped out.

What about a permit? A permit is very close to being a waiver, saying: Hey, you can undertake this process. We are giving you permission. Well, that is what a waiver does. It says: Yes, you can undertake that process.

So now no one has a foundation for pursuing projects because they know that if the majority wants to play favors for a powerful special interest, they can wipe you out with no foundation of law.

That is what happened here, and that is a travesty. It is a travesty that none of my colleagues, I would hope—if they reflected on it outside the pressure of having their arms twisted—would engage in.

And I know they would be highly critical if the parties were reversed.

In addition, once that waiver is struck down, it is suggested under the rules of the CRA that a similar waiver might not be able to be granted in the future.

So now you have two laws in conflict with each other. One law says you can grant the waiver, and the other law says if something was struck down through the CRA, nothing similar can be done.

How are we to resolve this? My colleagues have no answer. They have taken us down a path where words have no meaning and where sheer power by one of the richest enterprises in America—the fossil fuel industry—is all that matters. They are the puppet masters of my Republican colleagues. They have pulled the strings, and now we are in deep trouble to have an honest foundation for legislative action.

This one waiver was something that the fossil fuel industry really hated because when cars became more efficient, they used less oil, and therefore the oil companies made less money. When these waivers were enacted, people were incentivized to buy cars that didn't even burn gasoline, and the oil companies were like: Oh, my goodness, we are not going to make as much money. Help us. Help us, dear Republicans. Help us out here. Invent something. Change the meaning of some words. Find some way to go past the normal legislative process to somehow deliver what we want.

And my colleagues obliged.

The damage is done. It is going to be extremely difficult to fix it. It has eviscerated half a century of California's clean air protections.

It was the wrong thing to do to blow up the good work of a State seeking to solve its air pollution problem. It was

absolutely the wrong thing to do to blow up the integrity of this body by deciding that a waiver is a rule and undermining the ability of any group to act with confidence based on decisions made by the Government of the United States because whether you have a waiver or you have a permit or you have a license, now you don't know whether some powerful interest is going to have this body rip it away from you.

Let's work together to reestablish integrity in this Chamber, integrity in our legislative process that was so badly damaged yesterday and last night.

The PRESIDING OFFICER (Mr. HUSTED). The Senator from Oklahoma.

HISTORIC GREENWOOD DISTRICT—BLACK WALL STREET NATIONAL MONUMENT ESTABLISHMENT ACT

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 1051 and the Senate proceed to its immediate consideration.

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

The assistant bill clerk read as follows:

A bill (S. 1051) to establish the Historic Greenwood District-Black Wall Street National Monument in the State of Oklahoma, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill, which had been reported by the Committee on Energy and Natural Resources.

Mr. LANKFORD. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 1051) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Historic Greenwood District—Black Wall Street National Monument Establishment Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Historic Greenwood District—Black Wall Street National Monument Advisory Commission established by section 5(a).

(2) MAP.—The term "Map" means the map entitled "Greenwood Historic District—Black Wall Street National Monument, Proposed Boundary", numbered 196/188,275, and dated August 2024.

(3) NATIONAL MONUMENT.—The term "National Monument" means the Historic Greenwood District—Black Wall Street National Monument established by section 3(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. ESTABLISHMENT OF HISTORIC GREENWOOD DISTRICT—BLACK WALL STREET NATIONAL MONUMENT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to paragraph (2), there is established the Historic Greenwood District—Black Wall Street National Monument in the State of Oklahoma as a unit of the National Park System to preserve, protect, and interpret for the benefit of present and future generations resources associated with the Historic Greenwood District, Black Wall Street, and the Tulsa Race Massacre of 1921 and the role of each in the history of the State of Oklahoma and the United States.

(2) CONDITIONS OF ESTABLISHMENT.—

(A) DETERMINATION BY THE SECRETARY.—The National Monument shall be established on the date the Secretary determines that a sufficient quantity of land or interests in land has been acquired to constitute a manageable park unit.

(B) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under subparagraph (A), the Secretary shall publish in the Federal Register notice of the establishment of the National Monument.

(b) BOUNDARY.—The boundary of the National Monument shall be as generally depicted on the Map.

(c) MAP.—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) ACQUISITION AUTHORITY.—The Secretary may acquire any land or interest in land located within the boundary of the National Monument by—

- (1) donation;
- (2) purchase from a willing seller with donated or appropriated funds; or
- (3) exchange.

(e) AGREEMENTS.—

(1) IN GENERAL.—The Secretary may enter into cooperative agreements, as appropriate, with public or private entities to provide and facilitate, within or outside the boundary of the National Monument, interpretive and educational services, administrative support, and technical assistance relating to the National Monument.

(2) MARKING AND INTERPRETATION OF SIGNIFICANT HISTORIC OR CULTURAL RESOURCES.—The Secretary may enter into agreements to mark or interpret significant historic or cultural resources or locations on land within the boundary of the National Monument.

(f) PRIVATE PROPERTY.—Nothing in this Act affects the rights of an owner of private property within or adjacent to the National Monument.

SEC. 4. ADMINISTRATION.

(a) ADMINISTRATION BY SECRETARY.—The Secretary shall administer the National Monument in accordance with—

- (1) this Act; and
- (2) the laws generally applicable to units of the National Park System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to carry out this Act, the Secretary shall prepare a management plan for the National Monument in accordance with section 100502 of title 54, United States Code.

(2) CONSULTATION.—The Secretary shall consult with the Commission on the preparation of the management plan under paragraph (1).

SEC. 5. ESTABLISHMENT OF HISTORIC GREENWOOD DISTRICT—BLACK WALL STREET NATIONAL MONUMENT ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is established an advisory commission, to be known as the “Historic Greenwood District—Black Wall Street National Monument Advisory Commission”.

(b) DUTY.—The Commission shall advise the Secretary on matters relating to the development and management of the National Monument, including the construction of visitor service facilities and infrastructure.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 11 members, to be appointed by the Secretary, of whom—

(A) 7 members shall be descendants of individuals who lived or worked in the Greenwood District of Tulsa in 1921, to be appointed after consideration of recommendations from interested organizations or individuals;

(B) 3 members shall have experience in the field of historic preservation or the purposes for which the National Monument was established; and

(C) 1 member shall be appointed after consideration of recommendations submitted by the Mayor of Tulsa.

(2) TERMS.—A member of the Commission shall be appointed for a term of 5 years.

(3) VACANCIES.—Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(4) SUCCESSORS.—Notwithstanding the expiration of a 5-year term of a member of the Commission, a member of the Commission may continue to serve on the Commission until the date on which—

(A) the member is reappointed by the Secretary; or

(B) a successor is appointed by the Secretary.

(d) CHAIR; BYLAWS.—The Commission shall—

(1) have a Chair, who shall be elected by the members of the Commission; and

(2) adopt such bylaws as the Commission considers necessary to carry out the functions of the Commission under this Act.

(e) MEETINGS.—The Commission shall meet at the call of—

- (1) the Chair; or
- (2) a majority of the members of the Commission.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(g) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall serve without compensation.

(2) TRAVEL EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(h) FACIA NONAPPLICABILITY.—Section 1013(b) of title 5, United States Code, shall not apply to the Commission.

(i) TERMINATION.—The Commission shall terminate 10 years after the date on which the National Monument is established.

NATIONWIDE INJUNCTIONS

Mr. LANKFORD. Mr. President, I rise today to talk about two separate issues that seem to be confusing in our current climate at this point.

The first of those is something called nationwide injunctions. Now, for folks that don't track this issue of nationwide injunctions, they have no idea what this means. I would tell you it is a fairly recent thing.

We have three branches of government. Any civics student in middle school knows that. We have the legislative branch, we have the executive

branch, and we have the judicial branch. All three have unique roles. The legislative branch that we are in right now—we write the law. The executive branch executes the law. The judicial branch interprets the law.

Now, we know there is a difference between the House and the Senate. The Senate has a responsibility and the House has a responsibility, and they are different, but they are both in the legislative branch.

The judicial branch also has different pieces as well, just like the legislative branch. There is the Supreme Court. We know that. It is right across the street. There are nine Justices that sit there, and they are the final decision makers on what the law says. But there are also daughter courts. There are circuit courts below the Supreme Court, and below the Supreme Court, there are district courts. District courts are scattered all over the country, and those individual, small district courts that are scattered all around the country—those individual courts make a decision on the person that is in front of them.

Now, again, this is fairly simple civics. When you have a Federal case in front of you, you go to the district court, and you file, and you get time in front of a judge. It may take time to be able to get there, but they make a decision on what is in front of them. That is what district courts do. They don't make decisions on something that is in a different State. The fine judges that are in Oklahoma make decisions about the case that is in front of them in Oklahoma. They don't decide a case in Indiana because they are not in Indiana and it is not a case filed in front of them; it is only the case filed in front of them in Oklahoma.

Now, if there is a dispute about that, it can be appealed, and it goes up to a circuit court, and it takes in a region. If there is a dispute even there, they take it on to the Supreme Court.

It is pretty simple—until the last several decades. You see, prior to 1960, there was no such thing as a nationwide injunction. No one even considered that. But we started seeing this beginning point where a district judge in a court in a single State would hear a case and say: This is so big, I am not going to let this go to the circuit court or to the Supreme Court. In my lower—in fact, lowest—court in the Federal structure, I am going to decide for the entire country, not just the person in front of me.

There were just a few that happened at that time, and the Supreme Court kind of looked away because they seemed like big cases. But then it started to rise.

During the George W. Bush administration, there were six nationwide injunctions that were done in these local district courts. Under President Obama, there were 12 nationwide injunctions that were issued. Then under President Trump, the first term, there were 64 nationwide injunctions.