

people. And the truth is, California is no stranger to Trump's playbook. We have seen it before—which brings me back to the point I have today about the EPA nomination.

NOMINATIONS FOR THE ENVIRONMENTAL
PROTECTION AGENCY

Just a few weeks ago, in this very Chamber, the Senate majority—Republicans—decided to overrule the Parliamentarian in order to undermine California's clean air authority—authority that has existed since the original Clean Air Act was adopted decades ago. So I don't want to let our Republican colleagues off the hook, and as the ranking member of the Senate Rules Committee, I want to make sure the record is clear on what happened.

This was the very first time in the history of this Senate that the majority decided to go nuclear to take up joint resolutions that were subject to the filibuster one minute and eliminate the legislative filibuster for them the next. They can deny it all they want, but it is written there in the RECORD for all of us to see, and it was sparked by the Trump administration's EPA abusing the Congressional Review Act and twisting it into something it was never intended to be. But I know they are not too worried because they are betting that, through all the smoke and mirrors of procedural language, the American people won't be able to discern what truly happened.

So part of the reason I rise today is to continue to sound the alarm for the American people because the consequences, folks, are not just the change in the rules or the change in procedure or the change in how the Senate does its business; the consequences will be physical, impacting the health—not just the lungs but the broader health—of the people of my home State of California.

So I rise to remind my Republican colleagues and the EPA's current leadership that these actions will have consequences. And as long as my Republican colleagues continue to try to pull the wool over the eyes of the American people, I am going to continue to speak up and fight back.

Earlier this month, I announced my intent to place a blanket hold on nominees for the EPA, and I didn't do so lightly. I recognize how important it is for Federal Agencies to have qualified leadership regardless of which party is in charge. I respect that. And already, in several cases, I have voted in favor of reporting the current administration's nominees out of committee. I have even voted to confirm some of them on the Senate floor notwithstanding the political and policy differences I may have with some of them.

But the Senate's constitutional role to advise and consent is an important check on the abuse and overreach of the executive branch, and abuse and overreach is exactly what Trump's EPA did in this particular situation. So my objection not only to this nomi-

nation but to future EPA nominees is part of my duty on behalf of my constituents in the State of California.

So, yes, I am objecting to expedited consideration of EPA nominees in response to the Trump EPA's abuse of the Congressional Review Act. The EPA knew that these waivers did not qualify as rules under the CRA. They have never qualified as rules under the CRA. The nonpartisan Government Accountability Office, the GAO, as well as the nonpartisan Senate Parliamentarian even affirmed that they were not subject to the CRA earlier this year. But the EPA chose to ignore that and submitted them as rules anyway, launching this unprecedented power grab.

In May, I stated that I would continue to hold up EPA nominees unless the Trump administration's EPA withdrew the waivers or the majority leader committed to not overturning the Senate Parliamentarian on this issue. Unfortunately, the Trump administration and the Republican majority plowed ahead, at the expense of the health of millions of children and families in California—and many other States, for that matter.

They took advantage of the EPA's clear abuse of the CRA to go nuclear, first overriding the procedural limits in the text of the CRA itself and then, second, by overturning the Parliamentarian's decision—all in a quest to do away with California's clear, longstanding authority under the Clean Air Act.

That is unacceptable because, thanks to the Clean Air Act and California's authority in it, for 50 years, California has exercised its authority and leadership to set its own emissions standards to protect the health of our residents. It was granted by Congress on a bipartisan basis in recognition of California's unique air quality challenges.

In the time since, California has done nearly all it can do to reduce emissions from stationary sources of air pollution, which is what is under its jurisdiction. California has invested in R&D into cleaner locomotives, because mobile sources are not within its jurisdiction, but maybe there is an indirect way we can try to impact and reduce pollution in those sectors. California has invested in port electrification—again, trying to push the envelope in areas that are not quite within its jurisdiction because it is in the Federal jurisdiction—and making breakthroughs in hydrogen technologies, like the first hydrogen fuel cell ferry in the country.

Despite all of this, California still can't meet its Federal clean air standards because the biggest sources of continued air pollution are mobile sources—not the stationary sources under the State's jurisdiction but the mobile sources that are in the jurisdiction of the Federal Government. So California has done everything it can, and now the Federal Government needs to step up and do its part—do its part

or get out of the way and let California continue to lead.

That is why these waivers are so important—because absent the Federal Government doing its part, California needs the Federal waivers to fill the gap, to reduce pollution further, to reach attainment to protect the lungs and the health of Californians. But now, as a result of the Trump EPA and the Senate Republicans' abuse of the CRA, the people of California will be forced to breathe more toxic air pollution than they should have to and suffer the devastating impacts.

So to hold the Agency's leadership accountable for their actions, I am objecting to the Senate proceeding to all nominations for the EPA except for the vacancy of the inspector general. Let me be clear about that. I will maintain these objections unless acceptable accommodations are reached for the State of California to protect the health of our people.

To my Republican colleagues who may express frustration with this process, how many times have we heard you talk about “cooperative federalism”? Yet it seems to me that the rhetoric about cooperative federalism apparently only applies to some States, not California, because the second it touches California's ability to regulate the air we breathe, then their “States' rights” claims disappear.

But it is not a surprise, what is going on here. From the minute Donald Trump came back into office, we knew California was a target. The President decided to not just attack California on climate but with ICE raids, with attacks on Federal funding and research grants, with threats to withhold disaster aid, and more.

So to President Trump and to all those who choose to target California for a political agenda, you will soon see what California is capable of, and you will learn that it is far better to bet on California than against California.

In the meantime, I will continue to oppose these EPA nominees until the EPA reverses course and works with California—not just for California's interest but our Nation's interest. California is the most populous State in the Nation, with the largest economy of any State in the Nation. California's success drives America's success. If you rein in California's ability to lead, you restrain our country's success.

So I hope we can reach an agreement in the near future, but if not, we will continue to raise objections. And I will always stand up and defend California.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

NOMINATION OF STEPHEN VADEN

Mr. BOOZMAN. Mr. President, I rise today in support of Judge Stephen Vaden's nomination to be the Deputy Secretary of Agriculture.

Judge Vaden is no stranger to public service. He served as USDA general

counsel during President Trump's administration and now sits on the U.S. Court of International Trade, both roles confirmed by this body.

He brings a deep understanding of rural America because he has lived it. His family has farmed in Tennessee and Kentucky for generations. That firsthand knowledge, combined with his experience in ag policy, makes him uniquely qualified to serve.

USDA needs proven leaders to support Secretary Rollins to carry out the administration's mission in rural communities. Judge Vaden is ready to serve again, and I urge my colleagues to confirm him.

I yield the floor.

VOTE ON FOTOUHI NOMINATION

The PRESIDING OFFICER. Under the previous order, The question is, Will the Senate advise and consent to the Fotouhi nomination?

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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Delaware (Mr. COONS), the Senator from Georgia (Mr. OSSOFF), the Senator from Rhode Island (Mr. REED), the Senator from Virginia (Mr. WARNER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 299 Ex.]

YEAS—53

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

NAYS—41

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

NOT VOTING—6

Bennet	Ossoff	Warner
Coons	Reed	Wyden

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to re-

consider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative 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. 112, Stephen Vaden, of Tennessee, to be Deputy Secretary of Agriculture.

John Thune, Eric Schmitt, Bernie Moreno, John Boozman, Jim Justice, Dan Sullivan, Pete Ricketts, Mike Rounds, Chuck Grassley, Jon A. Husted, Ted Cruz, Rick Scott of Florida, Josh Hawley, John Hoeven, Mike Crapo, Ashley B. Moody, Marsha Blackburn.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Stephen Vaden, of Tennessee, to be Deputy Secretary of Agriculture, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BUDD), the Senator from North Dakota (Mr. HOEVEN), the Senator from Kansas (Mr. MARSHALL), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting: the Senator from North Carolina (Mr. BUDD) would have voted "yea", the Senator from North Dakota (Mr. HOEVEN) would have voted "yea", and the Senator from North Carolina (Mr. TILLIS) would have voted "yea".

Mr. DURBIN. I announce that the Senator from Georgia (Mr. OSSOFF) and the Senator from Rhode Island (Mr. REED) are necessarily absent.

The yeas and nays resulted—yeas 48, nays 45, as follows:

[Rollcall Vote No. 300 Ex.]

YEAS—48

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

NAYS—45

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

NOT VOTING—7

Boozman	Marshall	Tillis
Budd	Ossoff	
Hoeven	Reed	

The PRESIDING OFFICER (Mr. CURTIS). On this vote, the yeas are 48, the nays are 45. The motion is agreed to.

The motion was agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Stephen Vaden, of Tennessee, to be Deputy Secretary of Agriculture.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:56 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. BRITT).

EXECUTIVE CALENDAR—Continued

VOTE ON VADEN NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Vaden nomination?

Ms. CANTWELL. 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 senior assistant legislative clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BUDD) and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting: the Senator from North Carolina (Mr. BUDD) would have voted "yea" and the Senator from North Carolina (Mr. TILLIS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Arizona (Mr. GALLEGRO), the Senator from Georgia (Mr. OSSOFF), and the Senator from Rhode Island (Mr. REED) are necessarily absent.

The result was announced—yeas 51, nays 44, as follows: