

their fidelity to upholding the Constitution and laws as they were written. The Senate is still equipped for work of great consequence. And to the disappointment of my critics, I am still here on the job.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Mr. President, I ask unanimous consent that the Members and staff and spectators in the Gallery be allowed to applaud for a period not to exceed 30 seconds.

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

(Applause, Senators rising.)

The PRESIDING OFFICER (Mr. HAGERTY). The Senator from Illinois.

NOMINATION OF KASHYAP PATEL

Mr. DURBIN. Mr. President, in about 2 hours, the Senate will vote on whether to confirm Kash Patel to serve as Director of the Federal Bureau of Investigation for the next 10 years—10 years. If Senate Republicans confirm Mr. Patel, I believe they will come to regret this vote—probably sooner rather than later.

I, for one, am convinced that Mr. Patel has neither the experience, the judgment, nor the temperament to lead this amazing criminal investigative Agency. It appears my Senate Republican colleagues are ignoring the many redflags in Mr. Patel's record, probably because they fear retribution from the President and Mr. Musk.

Let me be clear: This is not a partisan issue. During my time in the Senate, I have voted for four FBI Director nominations before this one. Each one was clearly a Republican, and I voted for them nevertheless. Historically, the Federal Bureau of Investigation has been apolitical.

I oppose Mr. Patel because he is dangerously politically extreme. He has repeatedly expressed his intention to use our Nation's most important law enforcement Agency to retaliate against his political enemies. Even before President Trump took office, Mr. Patel announced that he would force out FBI Director Chris Wray, whom he nominated in his first term before firing former FBI Director Jim Comey.

The Director is the only political appointment at the FBI.

Congress took steps to ensure that this Agency remains as apolitical as possible by providing for a single term of 10 years for Director and subjecting the appointment to the advice and consent of the Senate. Fifty years ago, we made this reform. We may see it all fall to ashes today.

As we have seen for weeks now, the Trump administration's purge of the FBI is a political exercise that has spread to service career officials. There is the FBI Agents Association, and the two leaders of that association came to see me recently in my office to talk about the situation.

Both of them are women. One is serving 17 years in the career job at the FBI and the other, 22. They were quick

to add that their fathers had been FBI agents before that. It was clearly in their blood. They came to tell me about the situation at the FBI today because of this transition and because of the prospect of Kash Patel heading their Agency.

They said morale has never been lower. They have gone through many Presidential transitions and have never seen anything like this. The declaration that is required now of FBI agents is to whether they will participate in the investigation of the January 6 rioters who assaulted this United States Capitol Building.

Let's be honest about what is going on here. There is an effort to have Soviet-style historical revision. The Trump administration and the people they are pushing into leadership have to, basically, pass a loyalty of—in terms of the outcome of the previous Presidential election and what happened on January 6.

They are somehow asked to ignore the obvious that we see on the videotape over and over again. The rioters that assaulted this Capitol are so dangerous that the Vice President of the United States sitting in your chair was physically removed by the Secret Service for fear that he was going to be hurt if he stayed in his position.

Those of us who were on the floor of the Senate on January 6 were asked to evacuate this Chamber as quickly as possible. This was not simply a question of tourists getting out of line. These people who assaulted this U.S. Capitol Building were hell-bent on stopping the constitutional process of counting the electoral votes in the 2020 election.

And now the FBI and others are being asked to say the opposite, that this wasn't somehow a breach of law, a horrendous, terrible chapter in the history of this country, and that there was danger afoot.

Because the President has given a sweeping pardon for the 1,600 that were prosecuted for trespass, seditious conspiracy, and use of firearms in the Capitol and the like, we are supposed to somehow discount this as a significant moment in American history. It was.

For the FBI agents who participated in the investigation of that day, I say they were doing their job, they did it well, and now to remove them from the FBI because of that has obviously hurt the morale of the FBI Agency. When you stop and wonder what the future holds for them if another President comes in with another political agenda, will they be victims again?

As we have seen for weeks now, the Trump administration's purge of the FBI is a political exercise that has spread to senior current officials. In the FBI's long, long history, this has never happened before. This purge has dramatically weakened the FBI's ability to combat national security threats and make America less safe.

Senior leaders with collectively hundreds of years of experience have been

forced out, creating a leadership vacuum. Thousands of line agents fear losing their jobs simply because they were assigned to work on cases involving the January 6 attack by President Trump.

I have heard directly from FBI agents who now fear for their safety and the safety of their families. To understand why, let me tell you about a January 6 rioter named Edward Kelley. Mr. Kelley was convicted of assaulting law enforcement during the attack on the U.S. Capitol. We saw it, didn't we, in terms of the videotapes that showed our law enforcement agents trying to stand their ground of this Capitol Building being beaten back and assaulted by these mobs?

Mr. Kelley was convicted of assault on law enforcement, and he was given a full and unconditional pardon by Donald Trump. But Mr. Kelley has also been convicted in his home State of Tennessee of conspiracy to murder the FBI agents who investigated his role in the January 6 attack.

Understand this: Now he is arguing that President Trump's blanket pardon—Mr. Kelley—should cover his attempt to kill FBI agents.

When asked about the possible firings of career FBI officials at his confirmation hearing, Mr. Patel under oath—under oath—said “I don't know what's going on right now,” at the FBI.

Mr. President, that is not true. Thanks to multiple brave whistleblowers, we now know that Mr. Patel likely committed perjury in making that statement. Even before being confirmed as an FBI Director, Mr. Patel is already directing the ongoing purge of honorable, career public servants, despite his status as a private citizen. He has no right to be part of this awful process.

I urge my Republican colleagues to seriously consider these credible whistleblower allegations before you vote on Mr. Patel's nomination.

Mr. Patel's claim about an FBI purge were not his only misleading statements under oath. At his hearing, Mr. Patel implausibly told me he could not recall Stew Peters, a man who has been identified as an anti-Semitic Holocaust denier.

I asked him repeatedly: What about Stew Peters?

Don't know the man, don't recognize the name.

This is simply not true, considering that Mr. Patel appeared on Mr. Peters' podcast eight times, Mr. President—eight times and he couldn't recall the man's name.

Mr. Peters has since revealed that he and Mr. Patel directly communicate via their personal cell phones “constantly”—“constantly” was the word he used. As far as Patel is concerned under oath: Never heard of the man.

Why in the world would he do that? Why wouldn't Mr. Patel admit the obvious—eight podcasts and constant communication with this man. And an even larger question: What is he doing as the man who wants to direct the FBI

in concert with anti-Semitic Holocaust denier Stew Peters? What is going on here? Is he showing good judgment? Is this the kind of person you want to put in charge of 38,000 criminal investigators?

Mr. Patel also claimed he “didn’t have anything to do with” the recording of the so-called January 6 prison choir, which included at least six rioters who violently assaulted police officers. Mr. Patel thinks there is something interesting, maybe even amusing, about the fact that he created a choir of these individuals who had been prosecuted for what they did on January 6.

Here is what Mr. Patel said to Steve Bannon after he denied knowing anything about this recording before the Judiciary Committee’s recently. He said to Steve Bannon:

We got this idea to record the January 6 prisoners who recite the national anthem every night from the D.C. prison. Then we took that to the studio. So we mastered and digitized that.

So as Steve Bannon showed, he is the mastermind behind this recording of these prisoners saying something about the national anthem every night. That particular tape that he created of the January 6 choir was taken to Trump rallies to be played as some kind of interesting display of what Patel insists are just political prisoners.

One of Mr. Patel’s choir boys, Julian Khater, K-H-A-T-E-R, was convicted of assaulting Capitol Police officers with pepper spray. One of those officers was Capitol Police Officer Brian Sicknick. Brian Sicknick suffered multiple strokes and died a day after the attack. Mr. Khater was one of the people who assaulted him.

Mr. Patel has called these violent January 6 rioters political prisoners. That includes Guy Reffitt. Guy Reffitt was sentenced to 87 months in prison for his role in the January 6 assault—87 months.

Mr. Reffitt brought a gun to the Capitol on January 6 and recorded himself saying the following, which I will paraphrase because I don’t want to use profanity on the floor of the Senate: We are all going to drag them out kicking and screaming. I just want to see PELOSI’s head hit every effing stair on the way out and MITCH MCCONNELL, too. Eff them all.

Mr. Reffitt’s 19-year-old son Jackson turned him into law enforcement after the attack, despite Reffitt’s threats to shoot Jackson and his sister.

Here is what Reffitt said to his own children:

If you turn me in, you’re a traitor, and you know what happens to traitors? Traitors get shot.

Mr. Reffitt received a full and unconditional pardon from President Trump. Guess where he was on January 30 this year? Back at the Capitol complex at Mr. Patel’s confirmation hearing. Here is what Mr. Reffitt posted on social media from the hearing room:

Present and in support of @Kash_Patel as the leftist commies continue to spew lies,

misinformation and disinformation. My man Klean House Kash . . .

Stew Peters: constant communication, holocaust denier; this gentleman he has become a hero to for his appearance before the committee; and we are all commies for questioning Kash Patel’s politics and what it has led to. These are Mr. Patel’s allies: Stew Peters; Julian Khater; and Guy Reffitt.

On the other hand, consider who is warning us about Mr. Patel: former Trump officials who know him, like Attorney General Bill Barr, CIA Director Haspel, Defense Secretary Mark Esper, and National Security Adviser John Bolton. All of these were Republican appointees who worked with Patel, who know him well, and warn us not to do this, don’t give this responsibility to this man—all Republican appointees.

Mr. Patel has left a long trail of grievances, lashing out at anyone who is not completely aligned with him. He calls Democrats “vindictive, evil, and vicious” and repeatedly attacks Republican Senators who don’t toe the MAGA line.

I read Mr. Patel’s book “Government Gangsters.” It includes an enemies list at the end of the book, 60 names, “members of the deep state” in the word of Kash Patel, which includes distinguished public servants for both political parties.

What do they all have in common, the 60 people on this hit list? From Attorney General Bill Barr and Merrick Garland to former FBI Directors Bob Mueller and Chris Wray, they all had the misfortune of crossing paths with the vindictive Kash Patel.

Mr. Patel claims he respects law enforcement, but his words and actions demonstrate his disdain for the FBI. He said on day one he plans to “shut down” the FBI headquarters, and he has falsely claimed that the FBI “was planning January 6 for a year” beforehand.

There is no truth to that statement, Mr. President. He is casting aspersions on the FBI that are undeserved. Mr. Patel’s record demonstrates that he is dangerous, inexperienced, and dishonest. He should not and cannot serve as an effective FBI Director.

Mr. Patel has been crystal clear that he plans on using the FBI’s vast surveillance and investigative authority to “come after” the President’s enemies.

It is shocking that my Republican colleagues are willing to support him, despite the serious threat he poses to our national security. And I am sorry to say I believe that we will quickly come to regret this vote. When I think of giving this man a 10-year—10 years as the Director of the leading criminal investigative Agency in the world, I cannot imagine a worse choice.

You want the person who has that job and that power to destroy people simply by investigation to show some temperament and some judgment. Kash Patel shows just the opposite. He is neither qualified nor prepared to assume this responsibility.

I will be voting no and plead with my Republican colleagues: Please think twice before creating this situation and making it even worse.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mr. PADILLA. Mr. President, I too rise today to oppose the nomination of Kash Patel to serve as Director of the Federal Bureau of Investigation.

Now, let me begin by saying to Americans watching at home who may not be completely up to speed as to what is going on, the importance of this specific nomination or wondering, Who is Kash Patel?

You might have been distracted these past few weeks by a rush of headlines coming out of the White House, maybe preoccupied with the cost of groceries rising by the week. You may have—if you got any news—been hearing about how President Trump, the richest President in history, has given Elon Musk, the richest man in the world, unprecedented access to millions of Americans’ sensitive private information.

Yes, Elon Musk has access to your personal, private information, from Social Security numbers, to home addresses, to your tax information. There has been a lot going on. All the while, President Trump has also tried to lay the groundwork to pass another massive tax cut for billionaires.

So if you have been busy and struggling to keep up, I understand. So let me try to break it down for you.

Only in the year 2025, when Donald Trump seems to have a headlock on the Republican Party, could a nominee this extreme and this unqualified be considered or confirmed to lead the FBI. No party of Reagan would ever support this big a threat to American freedom and our national security. No party of Lincoln could ever support this big a source of division among Americans. Yet here we are, pretending as if a man who promised to shut down the FBI headquarters on day one and turn it into a museum for the deep state is now fit to lead the FBI.

You see time and again, Kash Patel has shown that his loyalty lies not with the rule of law but with Donald Trump. Why? Because he knows that Donald Trump is his cash cow. Trump is Kash Patel’s ticket to selling more books. It is his calling card to try to book the next podcast interview and certainly key to landing his next job.

Frankly, it is a pattern we have seen from all too many of the nominees that Donald Trump has picked for his second administration. These are people whose sole qualification is allegiance to Trump. This should disqualify any nominee, but it is particularly concerning for a nominee slated to lead the Nation’s premier law enforcement Agency.

When it comes to protecting the security of our Nation, there is no room to choose between patriotism and patronage. The American people need and

deserve a public servant who is 100 percent committed to the around-the-clock safety of the American people.

Unfortunately, through his actions over the course of the last several years and his conduct this past month before the Senate Judiciary Committee, Kash Patel has demonstrated a dangerous lack of judgment, lack of preparation, and lack of independence. He has shown that he is either unwilling or incapable of putting politics aside in order to “protect the American people and uphold the Constitution” should he be confirmed to lead the FBI.

Throughout his career, he has shown a clear pattern of loyalty to Trump and of self-dealings at the expense of the American people. That includes undermining the FBI’s work in order to protect Trump from investigation; profiting off of conspiracies about a “Deep State” and promoting an “enemies list” targeting public servants; selling picture books to spread conspiracy theories to children about the 2016 election; endangering the lives of American servicemembers after inserting himself into a hostage rescue operation; refusing to commit in his confirmation hearing to enforcing existing gun laws that protect lives and have saved lives; holding millions of dollars in unvested stock in a foreign company tied to forced and child labor; and even producing a song and financially supporting the families of insurrectionists who violently beat Capitol Police officers on January 6.

Now it appears that this list includes potentially having lied under oath in his confirmation hearing about the role he played in firing career FBI employees based on their perceived loyalties. After we heard him swear in committee that he played no role in the firings, whistleblowers are coming forward to tell us otherwise. At the very least, this charge is so serious that it warrants further investigation.

Colleagues, stretching the truth or potentially outright lying may score him points with President Trump, but as Director of the FBI, it will only put American lives at risk.

Think about it. To all the Americans who might be watching from home, you wouldn’t put an arsonist in charge of a fire department, would you? But with Kash Patel atop the FBI, that is exactly what we get. Career law enforcement will continue to be purged, the FBI will be weaponized for political gain, and our communities will be less safe.

I want to make one final point to our Republican colleagues. Throughout this body’s history, the Senate has had not just the opportunity but the responsibility to serve as a check on Executive overreach.

Senators of both parties over history have exercised our constitutional duty to advise and consent to the President’s nominations, and in the past, the Senate has rejected extreme nominations. To stay quiet when a nominee

so obviously unfit comes before us—that sets a dangerous precedent. Think about the damage you will be doing not just to the institution of the FBI or to the Senate but to the trust that millions of Americans deserve to have in our law enforcement.

But more important than that, today, consider this: Someday in the future, possibly the near future, when a loyalist FBI Director abuses the position and fails to protect the American people, it won’t just be Kash Patel that will be held accountable, it won’t just be President Trump we will try to hold accountable, it will be every Member of this body who supported his nomination that will also be held accountable.

So I invite you, I encourage you to have the courage to say no to Trump because lives are on the line. Have the courage to stand up and protect your constituents, protect the American people. Stand up, do the right thing, and vote no on this nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise to strongly oppose the confirmation of Kash Patel to serve as the next Director of the FBI.

The FBI Director leads our Nation’s most important law enforcement Agency. It is made up of more than 38,000 nonpartisan public servants who work every day to take on violent crime, get fentanyl off of our streets, investigate cyber crimes, protect our national security, and so much more.

The Bureau’s motto is “fidelity, bravery, integrity,” and its Director must be someone who embodies those core values above all else. That is not Kash Patel.

Let’s start with fidelity. The FBI Director’s loyalty is not to the President; it is to the truth, the Constitution, and the American people. But Mr. Patel has made it clear that his only loyalty is to the President.

Mr. Patel has threatened to come after the President’s critics. On one podcast in December of 2023—by the way, that is 2023, just a few years ago, not two decades ago, not when he is in high school—in 2023, he said, “We’re going to come after you, whether it’s criminally or civilly. We’ll figure that out. But yeah, we’re putting you . . . on notice.”

On another podcast last August, he said, “When Trump wins in 2024, and is in power in 2025, we can prosecute them,” referring to Justice Department officials. That was just last August.

At his hearing before the Judiciary Committee, we gave Mr. Patel numerous opportunities to explain, to walk back his threats. He chose not to, nor did he try to explain his so-called “deep state” list of former government officials, including many Republicans who served under the President’s first term. This list of his deep state government gangsters, as he called them, included former Defense Secretary Mark

Esper, former CIA Director Gina Haspel, former National Security Advisor John Bolton, and former Attorney General Bill Barr—Bill Barr, who received so many compliments from people in this body, from so many Republicans, including the chair of the Judiciary Committee.

I remind our colleagues on the other side of the aisle that Bill Barr wrote that putting Patel in charge of the FBI, promoting him in any way, would only happen “over [his] dead body.” Gina Haspel threatened to resign to stop Patel from becoming her Deputy. John Bolton said that Patel “demonstrated no policy aptitude at all.” These are staunch, lifelong Republicans. They are experienced and respected people. I may not agree in any way with everything they have said or done, nor does everyone here, but we do agree that they are people of integrity. If these people can end up on Kash Patel’s deep state list, we can only imagine what that would mean for anyone who might not be deemed sufficiently loyal to the President.

We know what Mr. Patel wants to do with the people on his list because he already told us. In one interview, he said the people on the list “need to go to prison.” And his comments about his so-called enemies are not empty threats. His desire to punish all but the President’s most zealous loyalists is far too real.

At his hearing, Mr. Patel said that “all FBI employees will be protected against political retribution.” Yet, mere hours later, the administration forced out eight of the Bureau’s most senior, nonpartisan public servants who oversaw national security, criminal, and cyber matters.

One day later, an email was sent to FBI employees requesting a list of everyone who had worked on January 6 cases “to determine whether any additional personnel actions are necessary.” It wouldn’t matter if it is just a brandnew person who gets assigned to a case or a senior person; didn’t matter if these people were prosecuting people and investigating people that actually tried to do us harm in this Chamber, chased down former Senator Romney in the hall—that all happened—destroyed offices of the Parliamentarian and others, cut police officers’ faces and injured them.

Then, when in any crime scene, you would have it investigated, this guy Kash Patel is questioning those FBI employees that were simply assigned to the cases to work on them.

This is not the person we should be putting in charge of the FBI. And I know my colleagues know this. So many of them that were there at the time supported Christopher Wray. I voted for Christopher Wray. He was Donald Trump’s choice to run the FBI, but I thought that he would be a man of integrity, and he was. I will also note that applications to the FBI have tripled since he has been in office, during that time period, because he has

improved morale. They have been doing their job, and people want to go work there.

Mr. Patel's supposed enemies are not only government officials he disagrees with; he has threatened the press as well. No one agrees with every story the press writes. I certainly don't, and I am sure many of my colleagues have read stories about them that they don't like, but we believe in this country in the First Amendment. Mr. Patel, however, has referred to the media as—again, a recent quote—“the most powerful enemy the United States has ever seen.” He said that not even on a podcast. He said that in a speech. Think about that. The media is “the most powerful enemy the United States has ever seen,” in the words of Kash Patel, nominated to be the Director of the FBI, to oversee tens of thousands of agents across the country—not China, not Russia, not Iran, not terrorists, but the press.

And Mr. Patel has already publicly threatened journalists, saying:

We're going to come after the people in the media. . . . We're going to come after you, whether it's criminally or civilly. We'll figure it out. But yeah, we're putting you all on notice.

This isn't someone with any business running the world's premier law enforcement Agency. This isn't someone whom we can trust to be faithful to our Constitution. This isn't fidelity to the rule of law and impartial law enforcement; it is a direct threat to it.

Bravery. Fidelity, bravery, integrity—so let's talk about bravery. We all know that the Capitol Police showed bravery far and above the call of duty on January 6, 2021. We know that. We know that many of them—their gear was stuck on a bus, their riot gear. They weren't even able to access it, and so many of them were protecting us, people who worked in this Capitol when the people that were storming into this Capitol had better gear than the police had—and, of course, we made tons of changes since then, changes to the leadership of the Capitol Police with a new Chief, changes to the Sergeant at Arms, changes to our security profile. We have made those changes. Of course, we should have done that.

But what we do know is they showed bravery. But rather than recognize the officers' bravery, Mr. Patel accused those who testified in the January 6 hearings of lying. When asked on a podcast whether Capitol Police officers told the truth in the House of Representatives January 6 Committee hearings when they were under oath, Mr. Patel said:

No . . . And lying under oath is a federal offense and they should be investigated for it.

Once again, our colleagues on the Judiciary Committee gave him the chance to walk back these comments during his hearings, and, once again, he chose not to. In fact, he claimed this “wasn't accurate.”

It was exactly what he said. We have the evidence. We have the facts. We have the proof right there, his words. I would think facts and truth and the proof should matter to someone who is asking to be head of the Federal Bureau of Investigation, but it doesn't. Literally, this is on YouTube. Anyone listening today could look it up.

The men and women of the Capitol Police aren't criminals; they are heroes. And so are the men and women at the FBI who every day put their lives on the line to keep us safe, but Kash Patel disagrees. He wrote in his book, again recently, that “the FBI has become so thoroughly compromised that it will remain a threat to the people unless drastic measures are taken.” And he called the men and women of the FBI “utterly corrupt.”

How do you think that makes people feel, people out in Minnesota who are going after bank robbers or gangs or drug rings, because Kash Patel didn't like one investigation of a bunch of mobsters that came into this Capitol and beat up police. And then he said he wanted the list of everyone that was involved in that. I don't think the FBI is a threat to the people like Mr. Patel. I don't think it is “utterly corrupt.” And I don't think my Republican colleagues believe that either. I think that they admire the people that work at the FBI.

In fact, under Mr. Wray's leadership, as I noted, the morale of agents and personnel at the FBI has improved significantly, three times as many people, as I noted, applying as agents. These agents deserve a Director who will have their back and continue building the morale at the Bureau, not someone who denigrates their service and, as Kash Patel has done—again, we have got it, his voice saying it—called for their headquarters to be shut down and turned into a museum. That was one of his later comments.

The men and women of the FBI show us every day what it means to embody bravery, and now we need to show them that we, too, can be brave and tell the President on this one: No, this is not the right person. We know he is your friend. We know you have hung out with him a lot, but this is not the person for this job.

I ask my colleagues to vote no on just one of these nominees. I voted yes on some of them. I looked at their credentials. I made a decision. Maybe wouldn't have been the first person I picked, but I voted yes on some of them. I ask them to vote no on Kash Patel.

Integrity, FBI, integrity, “I”—the FBI runs on facts. It runs on truth. Without truth, the whole system breaks down. And in his hearing, Mr. Patel made clear why Americans should be so concerned about putting someone in charge of the FBI who clearly does not have the integrity the job demands. Mr. Patel did not even have the integrity to stand by his own words that we had on YouTube. Instead

of disavowing or providing explanations for his past statements, he repeatedly misled the committee, dodged questions, and claimed ignorance, claimed he didn't remember things he had said just a few months before. Why would you want someone in the FBI that doesn't remember things they said only a few months before?

This is irresponsible at best and deceitful at worst.

The Director of our Nation's most powerful law enforcement Agency must be forthright and trustworthy. He must follow the facts and carefully analyze evidence before drawing conclusions. Unfortunately, Mr. Patel has proven that his allegiance is to the President, not to the truth.

Independence of the FBI from the White House is critical. We recently saw courageous prosecutors stand up for an independent justice system. They resigned instead of carrying out politicized orders from the administration. These were not liberal lawyers. These were not members of the resistance. The Acting U.S. Attorney for the Southern District of New York, Danielle Sassoon, was a Federalist Society member and a clerk to Justice Scalia. She is a rising star. She is so respected, she has taken on major, major cases and won against criminals time and time again, and she gave up the position of the acting head of one of the most incredible prosecutor's offices in the country, the Southern District of New York.

And the lead prosecutor of the case, Hagan Scotten, was a decorated Iraq war veteran. He clerked for Justice Roberts and Justice Kavanaugh, when Justice Kavanaugh was on the Court of Appeals. In his resignation letter, he wrote:

I expect you will eventually find someone who is enough of a fool, or enough of a coward, to file your motion. But it was never going to be me.

I think we should think about those words when we take our vote.

I expect you will eventually find someone who is enough of a fool, or enough of a coward, to file your motion. But it was never going to be me.

My Republican colleagues need to show some of the same courage as these public servants. They need to stop acquiescing and stand up to this assault on our justice system, and a good place to start is by voting against Patel.

The fact is, Federal law enforcement and the American people deserve a Director who embodies the Bureau's motto: “Fidelity, Bravery, and Integrity.”

I will be voting no on his confirmation, and I ask our Republican colleagues to join me in standing up for justice, in standing for the rule of law.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, as the leading law enforcement Agency in our country, the FBI does critical work

every single day to keep our Nation, to keep us, safe—from counterterrorism and countertrafficking to fighting cyberattacks and so much more. At a time of global instability, FBI agents are working day in and day out to protect us from threats, both foreign and domestic.

But today, the FBI and the Department of Justice face a crisis caused not by any outside threat but rather by the men and women tasked with leading these Agencies. Instead of focusing on potential attacks, hacks, or violent criminal enterprises, we have a DOJ and FBI that have been turned inward on themselves.

In just the last month, dozens of senior career FBI and DOJ employees have been purged—purged—en masse by President Trump and his administration. Hundreds of thousands of the prosecutors and FBI special agents and analysts may be next—in fact, I shouldn't use the word “may,” will be next. Purging hard-working and dedicated civil servants does nothing to make us safe; in fact, it does just the opposite.

Attorney General Bondi recently announced the creation of a “weaponization working group.” It only continues this trend. Through this working group, she is doing what she told us she would not do in her confirmation hearings. She is “investigating the investigators” with this working group, and I expect will be prosecuting the prosecutors.

I fear what a DOJ and FBI focused inward on themselves means for the safety and security of our Nation, which brings me to Kash Patel, President Trump's nominee to lead the FBI. For many reasons, Mr. Patel is not the man to answer the many challenges of the moment. Mr. Patel spent his nomination hearings avoiding every hard question, not even the hard questions. I asked him, for example, if he would investigate people—60 people—on his “deep state” list. He would not say no. And it was pretty clear, this list—and I suspect it is growing—but the 60-person list are all the people who are not sufficiently loyal to President Trump. So it has many, many Republicans on the list, and what the heck is he planning do with that list? Believe me, it is not because they are going to be commended for the work that they did.

I asked him in his hearings whether he profited from selling supplements to detox the COVID-19 vaccine, supplements he promoted on his social media channels. He did not answer.

I asked him if Donald Trump lost the 2020 election. He would not answer.

He claimed not to know an anti-Semitic extremist named Stew Peters, despite the fact that he appeared on this person's program eight times.

He tried to claim no involvement with the January 6 Choir made up of inmates—made up of inmates—serving in prison for their part in the violent insurrection on January 6 at the Capitol.

And, of course, we all know all of these inmates have been pardoned en masse by the President. He claimed no involvement with this choir despite promoting them and hawking their merchandise for years.

He was unwilling to provide any details about his grand jury testimony related to the January 6 insurrection—testimony he had to be compelled to give after taking the Fifth Amendment. Of course, Mr. Patel has the same rights as any American to plead the Fifth. But we have an equal right to ask him, as the nominee for the FBI Director, no less, why he did so and to learn what his ultimate testimony was.

The one thing Mr. Patel did testify to was in response to a question from Senator BOOKER about whether he was “aware of any plans or discussions to punish . . . FBI agents or personnel associated with Trump investigations,” and his response was that he was “not aware of that.”

We have since learned of credible evidence that Mr. Patel perjured himself with that statement.

Mr. Patel is totally unfit to lead the FBI. It is clear he won't discern fact from fiction and that he will be loyal to Donald Trump and Donald Trump only, which means total disregard for the Constitution and the rule of law.

Ours is a nation of laws. Mr. Patel's nomination is one more indication that Donald Trump fancies himself above the law, even referring to himself as “King” in a recent tweet, and will weaponize the law however he wants to, and that is to advance his political agenda.

Mr. Patel's is a dangerous nomination that will make our country less safe, less secure, and will erode America's trust in the FBI.

Mr. President, our administrative Agencies—and, certainly, the Department of Justice and the FBI—do not exist to be used as tools for retribution by Donald Trump, Pam Bondi, or Kash Patel, but that is exactly what is happening with our Agencies and the firing and the purging of thousands of people who are doing the job of the people.

What can we be thinking in supporting Mr. Patel to lead an Agency that has the tools to spy and go after all the people that he doesn't like?

I urge my colleagues to vote no on this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mr. SCHIFF. Mr. President, today, the Senate is on track to confirm Kash Patel as Director of the FBI. Think about that statement for a moment. Kash Patel—conspiracy theorist, January 6 denier, MAGA sycophant, and political provocateur—will be FBI Director.

The absurdity of it, the destructive consequences of it—and it is worth asking today: How did we get here to such an extreme point, to this moment when someone so patently unqualified—really, disqualified from any position of re-

sponsibility—is poised to become Director of the Nation's preeminent law enforcement Agency?

Earlier today, I stood with my colleagues out in front of the FBI headquarters, a building that Kash Patel promised to dismantle on his first day as FBI Director and turn into a museum to the deep state, the home of a Department that we all know he will convert into a political weapon for the President—the President who is a serial law breaker and will use Patel as a tool for retribution against his enemies.

But in a democracy, law enforcement does not serve the President, let alone someone who fashions himself as a King. Law enforcement serves the people. It is nonpartisan. It is not a vehicle of political payback for a political party. And yet we are watching the FBI and DOJ hollowed out, dismantled, and turned into an investigative and prosecutorial extension of Donald Trump's White House. We are watching it live in real time. It is already happening in that building we visited this morning.

In just the last month, Donald Trump's Department of Justice has engaged in a brazen sweeping purge, a rolling Saturday night massacre, an unmistakable campaign to intimidate, punish, and drive out thousands of hard-working nonpartisan FBI and career DOJ employees. This is happening as we speak.

Acting Deputy Attorney General Emil Bove fired roughly two dozen prosecutors involved in January 6 criminal cases—not for cause, not for corruption, not for misconduct. They were fired for failing what is, in effect, a loyalty test—a loyalty test.

A MAGA mob attacks the Capitol on January 6 to stop the peaceful transfer of power. They beat police officers, gouge them, bear-spray them, all in the service of an even bigger crime—stopping the peaceful transfer of power after Donald Trump lost his reelection. And they get pardoned by Donald Trump. The lawbreakers get pardoned, and the brave FBI agents who tracked down these violent miscreants—these agents get punished, they get fired, they get purged.

The one-man wrecking ball that is Donald Trump is turning the world upside down. The criminals are being pardoned and the cops are being punished.

Kash Patel sat before the Senate Judiciary Committee and, under oath, insisted he knew of no plans to punish FBI employees involved in investigations related to Donald Trump. He positively levitated at the suggestion that such a thing could even be true. Then, within days, top FBI agents were fired. Thousands of FBI employees—career professionals—were sent a detailed questionnaire demanding they disclose any involvement in investigations related to the January 6 insurrection. A warning accompanied this: “Additional personnel actions” could follow.

Yet Mr. Patel testified that “there will be no politicization at the FBI.

There will be no retributive actions taken by any FBI should I be confirmed as FBI Director.”

He sat in that committee room and told the Senate all FBI employees will be protected against political retribution. That was a Thursday, 3 weeks ago. The very next day, the purges began. Before the ink had dried on the transcript of that hearing, the retribution campaign had begun.

In his written response to questions, Patel denies knowing about these actions in advance; denies knowing whether he discussed these dismissals with the White House, the DOJ, or the FBI. He wrote:

I do not recall having conversations with the transition team about pursuing any particular investigations or targets.

I asked him in writing about these actions and his answer was he doesn't remember. But, in fact, whistleblowers have come forward to testify or to state that, not only did Patel know about the upcoming purges, he was directing those dismissals.

How could he not recall that? It wasn't years ago or even months. It was days before—days before his written answers to those questions—those written answers where he said he couldn't recall he was directing these purges covertly as a private citizen. But he doesn't recall—purges of quality career professionals who dedicated their lives to the rule of law, who have been fired, laid-off, or forced out because they dared investigate a violent insurrection on our Capitol or the President's retention of classified documents that contained our nuclear and other national security secrets.

There was a time in our country when the FBI was weaponized, when it served as a sword for the President; and the DOJ served as his shield when Hoover authorized covert harassment campaigns against the perceived enemies of the President. We thought those days were over.

And they were over, until now.

We must not put in place a Roy Cohn for the President, someone who will bend and break the law to serve the President's personal and political aims, for therein lies the path to corruption, to unlimited power, and to malfeasance of the highest order.

We put up guardrails to prevent one man and his cadre of company men from turning the Bureau and Department into a partisan and lawless battering ram. We must not take them down because we know the road that lies ahead, and we know that Donald Trump cannot destroy the nonpartisan character of the FBI and the Department of Justice without his enablers.

And Kash Patel? Kash Patel is Donald Trump's handpicked enabler and henchman, the guy who would say yes when everyone else would say no to any immoral and unlawful request made by Donald Trump—the guy who publicized his “deep state” list, almost half of whom are Republicans; the guy who worked for—and retains millions

of dollars in stock in—a company supported by the Chinese Communist Party.

In any normal world, that would automatically disqualify someone from leading the Nation's premier law enforcement and counterintelligence Agency. This is not someone we would want running the FBI.

It would be unthinkable to confirm a nominee who has written an entire book in service of “dramatically limit[ing] and refocus[ing] the scope of the FBI's authority”—a nominee who has publicly said: “It would be fun to go on a manhunt of government gangsters” alongside those who “represent Donald Trump's army to take this country back.”

I am of the opinion that the people the FBI should be going on manhunts for are actual criminals, not the President's enemies of the day. The FBI shouldn't serve as Donald Trump's army.

Alas, we will not soon forget the last time Donald Trump's army presented itself to us, when they beat down the doors of this Capitol, when they attacked law enforcement and sought to overturn an election.

Mr. Patel is quite familiar with that mob. He celebrated them in song. Mr. Patel tried to deny his association with the January 6 choir. He said he has nothing to do with their recording. But earlier, on Steve Bannon's podcast, he was all too proud to brag about it:

So what we thought would be cool is if we captured that audio and then, of course, had the greatest President, President Donald J. Trump, recite the pledge of allegiance, then we went to a studio and recorded it, mastered it, digitized it, put it out as a song now released exclusively on the War Room.

When I asked him about this, under oath, his response was—and you may never believe this—when he said “we did this and we did that,” “we” didn't include him. I don't know what is worse, taking credit for something he didn't do or doing something then lying about it. But what I do know is this is not the character of someone who should be Director of the FBI.

At the hearing, I also asked him to turn and face the Capitol Police officers in the room—these officers from the same department that suffered such grievous injuries on January 6. He couldn't do so. He couldn't look them in the eye. I don't blame him for being too ashamed. He should be ashamed, celebrating their victimization in a song. He should be ashamed, and anyone voting to confirm him should be ashamed.

Yet here we are, on the fast track to rubberstamp his confirmation, asked to turn a blind eye as he takes control of the most powerful law enforcement Agency in the country. That is what my Republican colleagues seem poised to do.

I will ask again: How on Earth did we get here? And where are we going by confirming a nominee who is so plainly unqualified, who is tied up in shady

business dealings with the CCP and the Kremlin, who made songs with violent cop beaters, who made memes of himself sawing the heads off of Members of Congress.

How on Earth did we get here? Because we all know where this road ends: a weaponized FBI; investigations into anyone who stands up to Donald Trump—elected officials, journalists, Democrats and Republicans—anyone.

I know some of my colleagues seek solace in the belief that if they just toe the line for long enough, they will be spared, but we all know what happens when someone falls out of favor with Donald Trump—when you are inevitably asked to vote for something or do something so egregious that you cannot possibly continue to say yes. When you reach that moment when you are forced to cross the President or abandon your final line in the sand, it will be these moments you will remember: the concessions to a wannabe authoritarian that you were willing to entertain; the lines that you allowed him to cross so you would be spared his wrath. But you will not be spared. No one is—not the veteran, nonpartisan employees at the FBI, not the maverick, moderate Members of this body, nor even the most extreme supporters—left out in the cold the moment they are no longer valuable to this President.

When, not if, you fall out of favor with Donald Trump, Patel and others may be unleashed on you as well. My colleagues should remember there is more room under Donald Trump's bus than on it. Enabling his administration is a one-way street, and by continuing to go down it, you drive yourselves and the foundations of our democracy to the very precipice.

My colleagues, we have a duty today—a duty to the Constitution and a duty to the American people. We have a duty to the 38,000 men and women of the FBI who put themselves and their lives on the line every single day, those who work in the building where we stood this morning in the freezing cold and in communities and cities across the country, keeping us safe and secure. We must take that duty seriously because if we confirm Kash Patel knowing what we are getting, knowing where we are going, we will only have ourselves to blame.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am here to join my distinguished colleague from California in opposition to the nomination of Kash Patel and to make crystal clear to this body what he is going to do in that job. He has shown who he is. So when these things go wrong, I want to be absolutely clear that our Republican friends were warned. They will own the consequences of Kash Patel's misbehavior.

Let's start with the fact that, unlike any FBI Director before, this guy is a vitriolic partisan. Those are the stripes he shows when he is left to his own devices, and those are the characteristics

he will revert back to when he is running the FBI.

Here are just a few simple examples. This is from his book called "Government Gangsters," and this is a page of his enemies' list. Well, Attorney General Bondi said no one should come to a law enforcement job with an enemies' list, so then they had to pretend that this was not an enemies' list. Well, of course, it is an enemies' list. Here is what Kash Patel himself says about it: "Names named. Roadmap unveiled. The man hunt starts tomorrow." If you are going to set up a manhunt against people, are they not your enemies by any logical definition of the term?

He goes on to a video that shows himself chain-sawing off the heads of the people on his enemies' list, including the handsome junior Senator from California and the daughter of former Vice President Cheney. It is a pretty gross image to be cutting the heads off of people with a saw. He didn't put it up, but he retweeted it. He loved it so much that he put it up on his own media.

Things like that are not appropriate for an FBI Director. They are bizarre for just a normally weird person, but for an abnormally weird person to be the Director of the FBI, things are going to go bad. Be warned.

He is also a completely sycophantic suck-up when it comes to Donald Trump. He wrote children's books in which King Donald rules, and his loyal little functionary Kash brings justice to him by pursuing the slugs of the FBI. Really?

When the FBI is asked to investigate corruption in Trump world, do you think Kash Patel will rise to the occasion or do you think he will participate in a coverup? All you have to do is look at his own conduct and his own history.

This is not Democrats saying this. What we are doing is relating what he has said and what he has done. This is Kash Patel on Kash Patel.

He spread the really abhorrent lie that Federal law enforcement was behind January 6. On one of the many podcasts and interview shows where he spewed so much disinformation and partisan vitriol, he was asked: "It looks like you have a preponderance of evidence suggesting there may have been federal law enforcement involved in making [January 6] happen."

Patel's response: "I'll get you to beyond a reasonable doubt."

"[B]eyond a reasonable doubt." He believed and said Federal law enforcement Agencies were behind January 6. We know that is preposterous. We know that is false. We know that investigations have shown that none of that is even remotely true. That is completely false information. Yet here he is spouting it, and that is what he is going to look like as FBI Director too.

The FBI is going to have to appear before judges and convince judges of the probity of the Agency, of the legitimacy of the Agency, of the propriety

of the investigation and that the Department has done a fair job of marshaling the evidence.

Here is what he says about judges: We have to start impeaching judges if they have ruled against Donald Trump.

They were a political terrorist, in his view. In any case that Donald Trump has been charged in, almost every judge is handling this thing as if they were not a judge but a political terrorist. And, of course, he meant the Trump judge down in Florida as the only one excepted. When you start talking about judges that way, you can't then expect judges not to pay attention when you come before them in trying to do the work of the FBI.

Then there is the question of what his former colleagues have said about him. These are things that he has said himself. What have his former colleagues said about him, every single one a Trump appointee?

John Bolton, National Security Advisor: I didn't think he was qualified. I was forced to hire him.

Political pressure jammed him into the job, and Bolton said: I didn't want any part of this guy. I was forced to hire him.

With Attorney General Bill Barr, they tried to force him on Bill Barr as Deputy Director of the FBI, and he said that Patel had virtually no experience that would qualify him to lead the FBI. He said: "Over my dead body" does he get that job.

These are the job recommendations of his own colleagues that show his unfitness.

Over at the CIA, they tried to stuff him in someplace, and the Director of the CIA, Gina Haspel—I am no friend of Gina Haspel, but here is what she said about him: If he came over, she would resign before allowing Patel to assume a position as her Deputy.

This is a guy who has a record of engagement with Trump appointees that shows that he is not qualified, not capable, and somebody over whom they would resign before they would let work for them. And now we are supposed to let him work for the American people? It is ridiculous.

He testified once in State court on a Trump-related case, and his testimony was, to put it mildly, not convincing.

Here is what the judge said:

The court finds that Mr. Patel was not a credible witness. His testimony . . . is not only illogical . . . but completely devoid of any evidence in the record.

OK. People come into court. They lie, and the court doesn't believe their nonsense. Statements like this happen all the time in court. But here is where they don't happen: They don't happen with Federal law enforcement agents. When I was the U.S. attorney in Rhode Island, if one of my FBI agents had gone over into the U.S. district court in Rhode Island and testified in a criminal case in such a way that one of the U.S. district judges said about that witness that he was not a credible witness and that his testimony was illogi-

cal and devoid of evidence in the record, we would be looking into that.

This comes darned close to being what is called Giglio material—material that the government is forced to disclose to future defendants when it bears on the credibility of a government witness, an agent who is a government witness. People lose their careers over Giglio material.

This, if he were an FBI agent, would have caused a response at headquarters to say: What the hell is going on? How did one of our people get involved in such flagrantly fake testimony that he was called out by the judge in a case like this?

This is the person they want to put in charge of the organization whose probity and whose professionalism and whose integrity are essential to the successful working of the organization? The guy was basically called out as a liar and a fraud in plain court. This guy is a hot mess.

When you have a character like this who lies in court and who runs chain-saw memes about your opponents, about whom every person he tried to work with who was senior in the Trump administration said: Get this bum out of here; I don't want to be anywhere near him—that is a record.

To you all, my Republican friends who are going to vote on this guy, when he gets there and he does what his character tells us he will do, don't think this isn't going to come back to haunt you.

By the way, don't think that his "Trumpservience" as FBI Director won't turn on you. Just because he is a vitriolic partisan who despises Democrats doesn't mean that when Trump's ire moves someplace else—to Republican officeholders—he won't be there to deliver the FBI as an enforcer against you. So there is a lot to be concerned about.

I will close with this: Never before in the history of American law enforcement has somebody sought to attain a high position in American law enforcement who has pled the Fifth Amendment. Not only did he plead the Fifth Amendment, but he refused to tell the committee what it was all about. You can't plead the Fifth unless you have a reasonable expectation that could put you in jeopardy of a crime. What crime? How in jeopardy? Explain that. You are not just a normal person; you are trying to be the head of the FBI.

In a civil case, pleading the Fifth entitles the judge to instruct the jury to draw an adverse interest about your testimony that the jury can find against you because you took the Fifth.

Why have we not had a straight answer yet from our Republican colleagues about why the guy who wants to be the head of the FBI pled the Fifth? It is an unprecedented, terrible situation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I want to begin where my wonderful friend and colleague Senator WHITEHOUSE of Rhode Island ended in opposing the nomination of Kash Patel to be Director of the FBI.

I served as a U.S. attorney as well, and I know firsthand what an investigation and a prosecution can do to an individual's life even without a conviction. I used to tell my staff that the most important thing we decide to do is to start an investigation or bring charges because that person will be under a magnifying glass, having to defend himself even if no charges are brought and to defend himself even if there is no conviction, and the charges themselves can do irreparable harm to a person's reputation, his finances, his family, his life.

We entrust these positions, investigative and prosecutorial, to people who deserve the credibility and reliance that we give them. So the position of Director of the FBI or Attorney General of the United States or prosecutors and investigators who work for them are not ordinary positions. Even potentially in certain situations, they are more powerful than a member of the U.S. Cabinet in the impact they can have on individual lives.

For the ordinary nominee, any of the defects in character or experience or performance in past jobs would have been disqualifying. We live in a time that is not ordinary, and this nominee is not normal. I have never seen any nominee to a position of significant responsibility that has as many disqualifying factors in his or her background, but I think that one comment about him that strikes me whenever I read it is the full quote from former National Security Advisor John Bolton.

Part of that quote has been cited by previous speakers. I want to read the whole quote:

[Kash Patel's] conduct in Mr. Trump's first term and thereafter indicates that as FBI director he would operate according to [Secret Police Chief] Lavrenty Beria's reported comment to Joseph Stalin: "Show me the man, and I'll show you the crime."

Now, very few people remember Secret Police Chief Beria and the terror he caused in carrying out Joseph Stalin's edicts to destroy people's lives, to execute them, to eliminate their families but remember the mantra of Beria and Stalin: "Show me the man, and I'll show you the crime"—make up the crime to fit the man, and we will eliminate him.

We are talking here about a nominee who has an enemies list. He calls it something different. He calls it "Government Gangsters," and he is on a manhunt for them. "Manhunt" is his word. He can use different words, but the point here is he is on a mission to use the powers of this office, in Donald Trump's name, for political retribution against his enemies, against Trump's enemies, against MAGA's opponents. To use these institutions for political retribution is the height of irrespon-

sibility. Even to hint at it ought to be disqualifying, and he has made it explicit in his past writings and his statements and speeches not just a couple of times. It is a theme that runs through his public comments; that eliminating enemies through the use of prosecution is not only acceptable but it is desirable.

The FBI is a very special Agency, with 38,000 civil servants, including 13,000 special agents who go after international and domestic terrorism, cybercriminal syndicates, foreign espionage, organized criminal enterprises, including drug cartels, child sexual exploitation, and human trafficking, and many other crimes that affect our lives and the lives of everyday Americans across the country.

All different backgrounds, races, and religions can be victims of crime that the FBI investigates. And the FBI agents put their lives on the line because pursuing these crimes often puts them at risk from bad guys who may not even know that they are shooting at an FBI agent, but it is somebody pursuing them; they may not know that an FBI agent is operating undercover, and they may be killing them. And so the FBI's work is a dangerous business, but it is for our good and our safety.

The American people deserve an FBI leader who is worthy of them. The American people deserve a Director of the FBI who will keep them safe and who will make that safety a priority.

But in recent weeks, the Trump administration has systematically weaponized and politicized both the FBI and the Department of Justice. On her very first day of office, Attorney General Bondi created a Weaponization Working Group—let me repeat that: Weaponization Working Group—and specifically named targets to be investigated: Letitia James, Alvin Bragg, Jack Smith. All of them have led legitimate prosecutions and lawsuits against President Trump.

There have been reports that prosecutors and FBI agents have been reassigned from drug trafficking to do immigration enforcement, from terrorism task forces to immigration enforcement. And the administration has issued allegedly unethical or illegal audits, causing many top prosecutors to bravely resign rather than betray their oaths of office. We are talking about men and women who love their jobs in the Department of Justice and do them well, and they have sacrificed those jobs because they were ordered to take action that was unethical or illegal, in their view.

We need—now more than ever—an FBI Director who is trustworthy and devoted to the ideals and values of the Department of Justice and the Constitution above all. Anyone taking one of those jobs raises their right hand and swears an oath to the Constitution—not to the President, not to the Attorney General, not to any other official; it is to the Constitution.

Kash Patel is not that person, not the person to have that immense responsibility, most especially at this moment. He lacks the judgment; he lacks the integrity; he lacks the character and competence to be FBI Director. Kash Patel's contempt for those agents who put their lives on the line has been clear. He has called them—the FBI—"one of the most cunning and powerful arms of the Deep State."

And there are now highly credible whistleblower reports that he may have directed the purging of senior leaders at the FBI as well as potentially a mass firing of career FBI officials—those FBI officials who served professionally, with distinction, who put their lives on the line, purged as a result of Kash Patel involving himself, in fact, in those decisions even as, under oath, in response to my questions, he said:

All FBI employees will be protected against political retribution. [All FBI employees will be protected against political retribution.]

Well, we stood in front of the FBI headquarters this morning. In that very building, there are individuals who will be fired because they took assignments they didn't choose; they were assigned to criminal investigations that happened to involve Donald Trump—political retribution at its very height. And if he directed the purging of those FBI agents, contrary to the assurances he made to our committee at his nomination hearing, Kash Patel was certainly less than truthful with us.

I have not been without criticism of the FBI. None of us have been. No Agency is perfect. But I am also betting that members of the FBI would say there is room for improvement in this Agency.

Kash Patel would slash and trash the FBI, not improve it. He would engage in political retribution, not constructive reform. He would weaponize the FBI with that enemies list. He may not say it is an enemies list. He may call them government gangsters, but that manhunt would involve political retribution.

And he has conspiracy theories. He has trafficked in them. He said he agrees with a lot of what QAnon says. He engages in election denialism, refusing to say that President Biden won the 2020 election. He has even suggested that the FBI planned the January 6 attack on the Capitol. And he has glorified those rioters by calling them "political prisoners" and, in fact, aiding them in their defense—even the rioters who attacked and assaulted police officers and did them grave injury and in some instances contributed to their death.

He has joined them in song, producing the J6 Choir's recording, and he has refused to be honest when it really matters, pleading the Fifth Amendment in the case about Donald Trump's handling of classified documents and then denying us—or at least refusing to

cooperate in providing us with access to the testimony that he offered.

The litany of questionable comments and actions by this nominee shows he lacks the character and competence for this job. I have talked about roughly half a dozen various different facts in his background, statements, comments, actions that would be individually disqualifying. All together, they paint a picture of someone who has no proper role anywhere near a law enforcement agency, let alone Director of the FBI.

I am appalled that my Republican colleagues voted for him in committee unanimously on their side. I am appalled that so few may vote against him on the floor today. But I am absolutely sure of this one thing: This vote will haunt anyone who votes for him. They will rue the day they did it.

To my Republican colleagues, think about it. Think about what you will tell your constituents—more important, your family, and maybe your grandchildren—about why you picked and voted for this person who will so completely and utterly disgrace this office and do such great damage to our Nation's justice system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. WELCH. Mr. President, I ask permission to speak up to 10 minutes.

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

Mr. WELCH. Mr. President, I oppose Kash Patel. I believe he is the dangerously wrong choice to serve as Director of the FBI.

We all have great admiration for the FBI. The men and women there serve our Nation, do hard work every day. For decades, they have served as the nonpolitical Agency that protects us and defends the rule of law.

I believe that Mr. Patel is on a mission to wreck the FBI. It is his own words. He wants to turn the FBI building into a monument or museum to the deep state. You know, I believe that this country and Congress is in the midst of a slow-moving but rapidly accelerating constitutional crisis. This is real, and we can ignore it or see it.

It began most visibly, of course, on January 6, 2021, when two norms of this Republic—the peaceful transfer of power and the renunciation of violence to affect the outcome of the vote count and certification—were breached, and where many Members of the House and Senate also voted against certifying the election of the person chosen by the people in their own States.

The President continues to say that the election was stolen, and he has coached his nominees to embrace the big lie. The first month of the Trump administration has shown the contempt for the Constitution and the acceptance of lawlessness that is dangerous to the future of our Republic.

President Trump's election denialism was an early sign of his disregard for the norms and requirements of the

Constitution. Now empowered in a second term by a Congress and a judiciary which refuse to assert their independence, Mr. Trump has enacted Executive order after Executive order to dismantle our institutions. He doesn't have the authority to do what he is doing: the Federal funding freeze, clearly an unconstitutional invasion of the article I power of the purse; shutting down Agencies created by Congress without authority; revoking birthright citizenship, a constitutional provision that he asserts that he can do by Executive order; removing leaders of independent Agencies created by Congress, clearly unlawful; firing inspectors general in violation of notice requirements created by Congress, unlawful; firing government employees who have civil service protections, clearly unlawful; and pushing really a quid pro quo order at the Department of Justice to drop charges against a corrupt mayor in New York so he will accede to whatever the wishes are of the Trump administration regarding local enforcement. That is only a short list.

We have reached a point where a Federal judge has found that the White House defied his order to release billions of dollars in Federal grants, marking the first time that a judge has expressed and declared that the Trump administration is disobeying a judicial mandate. That is troubling. The country is headed into a situation where in addition to acting without authority, the President and his enablers are—he will defy rulings from the third branch of our government.

Vice President VANCE has made it very clear what his point of view is on judges: Judges aren't allowed to control the executive's "legitimate powers," and if the courts don't like it, let them enforce it.

Of course, under our Constitution, since *Marbury v. Madison*, the court is—the court is the final arbiter of what is legitimate or what is not, and the executive branch must enforce the laws as interpreted by the coequal branch of government.

It is my view that this administration is showing maximum contempt for core constitutional values, including, most importantly, the separation of powers. This is not about what the President's agenda is. This is about his disregard about the limits that apply to each branch of government.

We have a dilemma. There are many in Congress that are fully in support of President Trump's policies. That is his right to pursue them, any Member's right to support them, but it has to be that we accept our unique responsibility, each of the 100 U.S. Senators, that we have to guarantee that in pursuit of those policies, it is done within constitutional boundaries.

That is the glue that has held this country together through thick and thin for nearly 250 years. You know, this is not just talk about civic aspiration. It is a recognition that the sepa-

ration of powers, that the system of checks and balances—we are custodians of that, each of us here—that the concept of the Executive's ambition should be matched with the ambition of the legislature. That is what has held us together through the turmoil of our own history.

We have fierce debates about important public policy matters, but what allows us to resolve those, despite intense disagreements, is staying within the guardrails of the Constitution. That process is being threatened directly and aggressively. The President's attack on our Constitution on January 6 has continued to this day.

We have witnessed the renunciation of the decision the American people made in the 2020 election by President Trump's nominees. Many of them who came before us, including Mr. Patel, were unable to simply say who won the 2020 election. They continued the "Stop the Steal" narrative even 4 years later, and now we have President Trump in his first month in office acting in ways that continue to challenge the constitutional order.

I am voting against Mr. Patel, primarily but not exclusively, because he is clearly an instrument in that effort to continue eroding the precepts of the Constitution on separation of powers. I urge all my fellow Senators, Republican and Democrat, to embrace the responsibility we have to assert our responsibility and authority as a coequal branch.

This is a difficult time, particularly for many of my esteemed colleagues on the Republican side. You may support, as I mentioned, the policies of the President, but we have got to take a look at how he is going about trying to implement them. That really matters.

We are all custodians of the constitutional order. I am regarding what President Trump has been doing in his first month of office as an illegal rampage. It is a rampage of illegality. He is showing a contempt for Congress and a contempt for the U.S. judiciary.

Mr. Patel has signed on to that agenda. He isn't just someone who will be forced to participate in the President's campaign of retribution. He is an active participant. He has got his enemies list.

We know this because his own words said:

What was the FBI doing planning January 6th for a year?

No basis for that, other than to set up the attack on the good men and women of the FBI.

Mr. Patel is the one who created a list of deep state individuals. This is like Russia kind of stuff, half of whom are Republicans in the so-called deep state. Then he called them "nothing more than a cabal of government gangsters and their allies."

This is the Department he is going to be leading, really. He is the one who said "thank you to President Trump for helping put so many government gangsters in their place."

Mr. Patel is not the person to lead the FBI. My hope is that all of us should consider what Mr. Patel will do. He is going to use the power of the FBI to go after all those in government, those in the media, and those across the country that he doesn't agree with. He cannot serve as the next Director of the FBI.

I yield the floor.

VOTE ON PATEL NOMINATION

The PRESIDING OFFICER. All postcloture time is expired.

The question is, Will the Senate advise and consent to the Patel nomination?

Mr. DURBIN. 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 bill clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 61 Ex.]

YEAS—51

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

NAYS—49

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

The nomination was confirmed.

THE PRESIDING OFFICER (Mr. MORENO). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2025 AND SETTING FORTH THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2026 THROUGH 2034

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

The Senator from South Carolina.

BUDGET RECONCILIATION

Mr. GRAHAM. Mr. President, my colleagues will soon be starting what is commonly called a vote-arama. If you have never been in one, it is OK. But know it is a chance to have a spirited discussion and debate about policy and about the budget resolution.

So what has happened here is that the Budget Committee reported out S. Con. Res. 7. That will allow, through the reconciliation process, the spending of money and the reduction of spending based on different commitments.

This resolution allows for \$175 billion of border and immigration policy enhancements, but it doesn't spend a penny. It allows the Judiciary Committee and the Homeland Security Committee to come up with an up-to-\$175 billion plan to secure our border and do immigration reform.

And what will happen is that those two committees will work with the Trump administration to meet their priorities. There is nothing in this resolution directing one dime of spending, and no spending bill can be implemented without Presidential signature. So I want to make sure that is clear.

There is \$150 billion in increased defense spending. Why? Because we have a lot of threats.

Since the withdrawal of Afghanistan, radical Islam is on the rise. We have got a hot war with Russia and Ukraine. Israel is facing enemies on seven sides. We have provided weapons to allies in Ukraine and Israel. We have run out of 155 howitzer rounds. We have got to reinforce our industrial base. We need more money into our military yesterday to make sure that we can deter a war, and, if we get into a war, we win it.

So the \$150 billion will be allocated by the Armed Services Committee. We don't direct how the \$150 billion is spent. We just allow the Armed Services Committee to spend that much, if they choose. They decide what to spend it on.

So this idea that there is somehow money in this resolution for Ukraine or any other specific purpose is not true. All we do is create a number for the committees to mark up to, and it is up to the committee as to what is in the \$150 billion package.

And to all the colleagues here, you eventually get to vote on that work product, and, if you don't like it, you can vote no. And, eventually, that work product will have to be signed by the President. So that is the way the process works.

What we are doing today is jump-starting a process that will allow the Republican Party to meet President Trump's immigration agenda through the reconciliation process. And the Democrats chose this very process to pass ObamaCare and the Inflation Reduction Act.

We are going to use it to secure our border. We are not going to grow the

government just for the sense of growing the government. We are not going to create a Green New Deal. We are going to create border security transformational in nature.

Ladies and gentlemen, we are about to embark on a plan to jump-start the most transformational border security bill in the history of the United States because we need it yesterday. We have had 11 million people come to this country illegally. Fentanyl kills 3,000 Americans every 2 weeks. It comes across that southern border.

We are running out of detention space to hold people. Tom Homan, the border czar, came to the Republican Senate last week or 2 weeks ago and said that ICE is out of money. This resolution jump-starts the process to get Tom Homan the money he needs to fulfill the promises we made, to build more detention beds so you don't have to let people go. Laken Riley's murderer was in detention and released because of lack of bed space and wound up killing the young lady. That should never happen again. When you are detained, we should hold you and process you according to law, not release you. We need more detention beds.

We need to finish the wall. This \$175 billion will be allocated by the committees in question, and it will allow President Trump to finish the wall, secure the border, and deport criminals.

ICE is out of money.

If you think it is a good idea to go after the criminal gangs that have come here over the years illegally, then you are right.

To my Democratic colleagues, you should be working with us, not against us. Everybody should want to clean up the mess of the last 4 years. Everybody should want to go after criminal gangs. Everybody should want to secure the border because it is a national security nightmare. And nobody should want the dilemma of a nation having to let somebody go who could potentially be dangerous because you have no place to put them.

This \$175 billion will allow for the most transformational border security bill in the history of the country at a time of great need.

The \$150 billion will be allocated by the Armed Services Committee. They will decide what to spend it on. There is a lot of modernization we need of our nuclear triad fleet. We need more weapons. Our stockpile is low. There are a bunch of things we can spend \$150 billion, but we will let the Armed Services Committee decide those priorities.

When it comes to border security—the \$175 billion plan—the committees of jurisdiction will allocate that money, not this resolution. But without this resolution, we can't move forward.

Why is this resolution important? Without this bill passing, S. Con. Res. 7, there is no hope getting money for the border the way it needs to be done. Without this resolution passing tonight or early tomorrow, we are not