

and to clarify the executive branch must comply with lawful orders.

So the point is that I ask that the Senator would modify his request; that the Grassley amendment to the resolution at the desk be considered and agreed to, and the Grassley amendment to the preamble at the desk be considered and agreed to.

The PRESIDING OFFICER. Is there objection to the modification?

The Democratic whip.

Mr. DURBIN. Mr. President, reserving the right to object, I would like to ask a question of my friend the chairman when it comes to the modification which he is suggesting. Does this include, in one, request, both modifications?

Mr. GRASSLEY. Yes, it does.

Mr. DURBIN. So I want to make certain particularly that I understand the modification to the resolution clause. If I understand it correctly, you are adding a word. Perhaps you could clarify that as to whether or not there is a requirement of the executive branch to comply with all Federal court rulings. Do you modify that particular sentence?

Mr. GRASSLEY. That is right.

Mr. DURBIN. And do you add the word “lawful”?

Mr. GRASSLEY. Yes.

Mr. DURBIN. Mr. President, I think I want to clarify for the record and for history so there is no dispute. There have been differences of opinion about court orders in the past. I would say without fear of contradiction that although President Biden’s name has been mentioned repeatedly, particularly when it comes to the forgiveness of student loan debt, there was never any acknowledgement of defiance of any court order, period.

There was a court order against the Biden administration, and President Biden did not agree with it but went forward with a different approach to the law. He was never found in contempt, nor was any suggestion made that he violated a court order. His name has been mentioned many times, but that just doesn’t square with the reality.

Here is the difficulty. Think about this for a second. Under *Marbury v. Madison*, we basically said it is the province and duty of the judicial department, judges and courts, to say what the law is. Then the modification being made by the Senator from Iowa says: You only have to abide by lawful court rulings.

Did I state that correctly?

Mr. GRASSLEY. I think you need to be—we need to clarify because I think your inference is that Trump has violated some court orders. He has not. In fact, this very day, the Supreme Court ruled against him on a 5-to-4 decision that goes back to the lower court to make a firm decision.

So you can’t say that the court system isn’t working against President Trump as it worked against President Biden.

Mr. DURBIN. That is a fair criticism. I want to make it clear I am not saying that President Trump has violated a court order. I don’t know that he has. The question is, Whenever an order is issued either for him or against him, will he obey the order? Will he acknowledge that that is his lawful responsibility? That is what it comes down to.

I am not looking prospectively or in history—his brief time in the Presidency this round—but, rather, saying that whatever the court order in the future, whether for him or against him, he is bound by that court order. You have added the word “lawful” court order.

I am not sure—if the court is to decide the law, and they decide in his favor, then the law is acknowledged to be binding on him and his actions. Conversely, if the ruling is against him and the court order is against him, I hope you would acknowledge that that is lawful and that he has to follow it even though they ruled against him. That is simple constitutional law. I am not presuming how the court will rule. I am saying that however it rules, he is bound by that ruling. Do you agree with me, Senator?

Mr. GRASSLEY. I have made very clear that we have a separation of powers, and each branch has to respect the other’s powers.

Mr. DURBIN. I acknowledge that as well. The question is, Does that mean that the executive branch is bound by the decision of the court and has to follow a court order, whether it is for or against the administration?

Mr. GRASSLEY. I think what I would like to do is—do you agree with my amendment or you don’t so we can move on and get to other important stuff today. I want to help you get your resolution through, and I want to just say what is good for the goose is good for the gander.

Mr. DURBIN. That is basic mid-western philosophy, which we share, and I don’t disagree with you. But I think the addition of the word “lawful” in the final sentence equivocates on what the Constitution’s clarity is. So I am going to object with the possibility that we can work on this together to see if there is a way to reach a conclusion.

I think this is so basic. You have served honorably in the U.S. Senate for your entire career, and the point that I am getting to is that we ought to make certain that, moving forward, there is clarity on this most basic checks-and-balances constitutional provision.

The PRESIDING OFFICER. Is there an objection to the modification?

Mr. DURBIN. I object to the modification as written.

The PRESIDING OFFICER. Is there an objection to the original request?

Mr. GRASSLEY. Reserving the right to object, before I do object, I want Senator DURBIN to know that there are things like this that we ought to work out, but we can’t be complaining about

the courts if we have a Democratic President and not complaining—just complaining when we have a Republican President.

I think there are enough abuses of these nationwide orders to stop certain activity that our committee ought to be looking at and reviewing and see if they are being abused.

I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Iowa.

Mr. GRASSLEY. I would like to speak on Mr. Blanche.

Senator DURBIN, I see we have an agreement.

Mr. President, I see we have an agreement that Senator DURBIN speaks—that I go again.

Thank you very much, Senator DURBIN.

Soon, we will begin voting on the nomination of Todd Blanche.

Mr. President, I ask unanimous consent that the following Senators be allowed to speak prior to the rollcall vote: Senator DURBIN for 5 minutes, Senator RICKETTS for 5 minutes, and this Senator for 10 minutes, but I am not going to take 10 minutes.

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

NOMINATION OF TODD BLANCHE

Mr. GRASSLEY. Mr. President, soon, we will be voting on the nomination of Todd Blanche to serve as Deputy Attorney General of the United States. I support his nomination and urge all of my colleagues to vote for this well-qualified nominee. Mr. Blanche’s record shows that he is the right man for this job.

His story exemplifies the American dream. As a young man, he supported his young family by working as a paralegal during the day while attending law school at night. He clerked twice for judges appointed by Presidents of both parties and ultimately became a respected prosecutor in the Southern District of New York. His colleagues from that office of both political parties told us that Mr. Blanche is “a fundamentally good and decent man.” Mr. Blanche then entered private practice at two very prestigious law firms—including the oldest firm on Wall Street.

This remarkable resume has all the hallmarks of someone who should serve as a senior official at the Justice Department, but this isn’t what impresses me the most. I have spoken often about the partisan weaponization of our justice system. I have worked to investigate it. I have released records proving that weaponization exists.

My colleagues, for your information, you can expect to see more of this information coming out from me very, very soon.

I believe Mr. Blanche is the right man for the job because he has seen this weaponization firsthand, and he has paid a personal cost to do something about it. This is the price he paid: Mr. Blanche was forced out of his law firm because he chose to represent

President Trump. Now, that is quite a law firm, isn't it? Just because you are taking business in, they don't like it. So then he put his reputation on the line and he put his career on the line to fight against Jack Smith's and District Attorney Bragg's rampant lawfare, and he handled these cases with professional excellence.

We need good people like Todd Blanche in the Justice Department. We need lawyers who will do justice even when it is unpopular or comes at a personal cost, as it did to Mr. Blanche. We need people leading the Department who will end the abuses of the past and make the Agency live up to the ideals of our Constitution.

I am not the only one who thinks Mr. Blanche is the right man for the job. He has received support from some of the people who understand the Justice Department best. Over 100 alumni of the Southern District of New York who worked alongside Mr. Blanche wrote to say this:

Todd's experience, character, intellect, openness to dialogue, and longstanding love of and belief in the mission of the Department of Justice make him eminently qualified to serve as Deputy Attorney General.

Another communication. Seventy former DOJ officials wrote to say:

Mr. Blanche is a special nominee in that he brings decades of experience both as a prosecutor and defense attorney to the role of Deputy Attorney General.

Another one. Law enforcement groups representing tens of thousands of officers wrote to support Mr. Blanche because of his history working alongside of law enforcement and prosecuting violent crime.

Between his record, his presentation in committee, and his extensive support, I am convinced that Mr. Blanche is the best person to serve as Deputy Attorney General. I am proud to support this nomination, and I look forward to voting for him. I know that he will work with President Trump and Attorney General Bondi to restore faith in the Justice Department.

The PRESIDING OFFICER. The Democratic whip.

Mr. DURBIN. Mr. President, we are considering the nomination of Todd Blanche, President Trump's nominee for Deputy Attorney General.

How important is this job? It is the No. 2 job in the Department of Justice. Traditionally, it has been given major responsibilities and has been treated very seriously, as it should be, and we should consider that when we consider this nomination.

I am not going to go into the background already outlined by Chairman GRASSLEY about Mr. Blanche's legal representation of Donald Trump, which he did on repeated occasions. There is nothing to suggest that what he did was unethical in that capacity or unprofessional, so I am not going to raise a question about it.

As to whether or not he has any bias one way or another in dealing with the President in the future is speculative, but it is important.

The thing I would like to raise is January 6, 2021. That is the day a solemn constitutional proceeding was disrupted here in this Capitol, in this Senate Chamber, by a mob of thugs who were egged on by President Trump to attack and trash the U.S. Capitol in an attempt to overturn the Presidential election. I lived through that, as many of us did.

The insurrection led to the death of 5 law enforcement officers and injuries to approximately 140 others, many of whom are still paying that price today.

In a rally before the attack on the Capitol, President Trump said:

If you don't fight like hell, you are not going to have a country anymore.

Yet, in a court filing, Mr. Blanche argued:

Not a shred of evidence suggests President Trump called for any violence. In fact, President Trump clearly and repeatedly called for "peaceful and patriotic" assembly.

There was nothing peaceful or patriotic about President Trump's conduct that day, and the same goes for his supporters. Did it seem peaceful or patriotic when this crowd assaulted police officers who were doing their job and protecting us then, as they do to this day?

One of President Trump's first moves in office—not the very first but one of the first things he did—was to issue blanket pardons for all of the violent January 6 insurrectionists. When Mr. Blanche was asked at his hearing to condemn these actions, he repeatedly refused to do so.

In fact, it appears he buys into the conspiracy theory that the FBI is actually responsible for the insurrection. In response to our question, Mr. Blanche said he does not believe the inspector general's finding that the FBI did not have any undercover employees in the Capitol on that day.

I am especially disappointed—especially—that Mr. Blanche refused to commit to me and the committee that he would not disclose the names of the FBI agents who worked on the case of the January 6 rioters even though some of the rioters are already calling for retribution against these men and women who were simply doing their duty. This is extremely dangerous. We have seen these violent individuals, and we know that they are willing to dole out their own form of justice. They believe they are above the law because of the Presidential pardon, and President Trump validated that belief with the pardons full and unconditional.

Instead of accepting the legitimacy of cases brought against the President, Mr. Blanche has repeatedly used the word "lawfare" to describe these investigations.

I have been around this Chamber for a long time and around Washington for even longer, but I don't know what this word "lawfare" means. And to use it as your explanation of what you are going to do in the No. 2 position at the Department of Justice is mind-boggling.

After the hush money convictions came down, Mr. Blanche was asked if he accepted that the President had his day in court and a jury of his peers made the decision to convict him. In response, Mr. Blanche undermined our justice system by saying, "No, not at all."

Since the President has taken office, we have already witnessed the weaponization of the justice system. Mr. Blanche will not provide the necessary independence to avoid that. His response to questions was not satisfying in this regard.

His record and his undying loyalty to the President notwithstanding, I don't believe he is the right person for this job. I ask my colleagues to join me in opposing the nomination.

The PRESIDING OFFICER (Mr. SCHMITT). The Senator from Nebraska.

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Mr. RICKETTS. Mr. President, I want to thank my colleagues who yesterday voted to proceed on my Congressional Review Act to undo the eleventh-hour regulation that the Biden administration put through the Consumer Financial Protection Bureau that would have greatly expanded the powers of the CFPB to start regulating payment systems as opposed to just the banking system that it was really designed to do.

I appreciate some of my colleagues' votes and encourage them to vote again as we vote on it here again later today.

Earlier today, some of my Democratic colleagues expressed some objections—and, again, in the interest of time, my colleague from Illinois pointed out, people are waiting to vote. I do have to hit upon one, though. The Senator from Massachusetts seemed to indicate—and she has done so many times in the past—that somehow the CFPB is the only cop on the beat there. That is simply not true. These payment systems are regulated at the State and Federal level. There are other organizations out there that do regulation, like the FDIC, the FTC, the Office of Comptroller, and, of course, State banking regulators, which I used to manage as a former Governor. These organizations all look out for protection of the consumer. She phrased this as somehow we are going to be opening the doors to bad actors, and that is simply not the case.

It is a complete misapprehension of our regulatory structure that is stunning from somebody who is the ranking member on the Banking Committee.

So I encourage my colleagues to vote for the CRA. It will help roll back this unnecessary regulation. This is a regulation the CFPB put forward without even defining what market they were going to regulate. They gave misleading information that somehow, it would only cost \$25,000. In fact, consumers are generally very broadly pleased with these payment systems. The CFPB's own data shows that only 1 percent of the 1.3 million complaints