

police Agency in this country, the FBI, is rotten. It is rotten to the core. We have some good people, but the people in charge have made devastating decisions against a lot of people across this country. It is far past time to clean house at the FBI.

Over the last 4 years, we have seen the Bureau become politicized and weaponized. The Biden administration turned the FBI into the “Fake Bureau of Investigations.” The scales of justice were never fair and balanced under the last administration.

Christopher Wray, the Director, went after parents and school boards, proliferators. He went after Catholics. He went after grandmas who peacefully protested right outside this building on January 6. He went to their homes and arrested them—not to mention the unprecedented raid on President Trump’s home in Mar-a-Lago, FL.

What we have seen unfold at our Nation’s premiere law enforcement Agency over the last 4 years is a complete and absolute disgrace to the American people and our Constitution. Not only has the public’s trust in the FBI been completely eroded, but it has been a disservice to all the great men and women in the FBI who commit every day to defending the Constitution and protecting us as American citizens.

It is going to take a lot of hard work to right this ship. Trust has to be put back into the FBI. Kash Patel is the right man to do the job.

He is qualified and has an impressive resume. He served in several national security and intelligence roles as a Federal prosecutor and as a public defender.

Not only is Kash qualified, but he also has the courage and the resolve needed to restore our faith in the FBI.

Despite the media’s lies, Kash won’t have his enemies list when he takes the job—unlike the Biden administration. If crimes are committed, he will open investigations, follow facts wherever they lead—no bias, no partiality. Kash will bring back truth and transparency, uphold the rule of law and the Constitution, and protect Americans against its enemies, foreign and domestic. He will ensure that the government works for the American people, and not the other way around.

Let’s confirm Kash quickly and give President Trump an important component of his national security team. I look forward to supporting Kash Patel and hope my Republican colleagues will do the same.

Finally, we need to confirm Tulsi Gabbard to be our next Director of National Intelligence. Like Kash, Tulsi will play a critical role on President Trump’s national security team.

She just had her hearing in front of the Senate Intel Committee this morning. Her hearing only further confirmed to me that Tulsi is the perfect candidate for the DNI role.

She is a decorated lieutenant colonel, with over 20 years of service in the military. Tulsi served in combat in the

Iraq War and is currently active in service.

She has a top security clearance, having passed five background checks to receive it. Tulsi served in Congress for 8 years, where she sat on the Homeland Security, Armed Services, and Foreign Relations Committees. And as a Member of Congress, she consistently participated in high-level intelligence briefings.

As she has displayed throughout her entire career in the military and as an elected official, Tulsi will bring a fearless spirit to the DNI role.

I have to tell you, my meeting with Tulsi was one of the most impressive meetings I have had since I have been in this office, going on 5 years. Her depth of knowledge and expertise is unmatched. I have no doubt that she will keep our country secure while protecting the Constitution and the constitutional rights of all Americans.

She will help us return to “peace through strength” and put an end to America’s costly foreign wars.

The attacks on her, questioning her loyalty to the United States, are absolutely disgusting. It is insulting. Tulsi has devoted her entire life to serving this country, the military, and in public service.

To the Senators criticizing Tulsi for not fitting the typical mold of a DNI director, might that be a good thing? Have the last several years shown us that the status quo is working? I don’t think so, and I don’t think the American people think so either, and they are the ones that count.

Tulsi brings a fresh perspective to the job and the America that we all want and deserve. We do not need another James Clapper.

Like the FBI, we have seen our intelligence community weaponized to target opponents of the regime. The IC conspired to take down President Trump in 2016 and 2020 and, maybe, most recently, in the election a couple months ago. For that reason, I think Tulsi is exactly the change agent we need leading our intelligence community.

Like Bobby Kennedy, Tulsi switched her party affiliation because she saw the status quo as a threat to the American people and our constitutional rights. As Director of National Intelligence, Tulsi will check her politics at the door, just like she has done the last 20 years serving in our military. She will come to DNI without any bias. She will fix our broken intelligence community—and, folks, it is broken.

I look forward to confirming Tulsi to DNI. I urge all my colleagues to join me in voting for Tulsi. She will play a major role in President Trump’s team and restoring faith in our intelligence community.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHATZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MORENO). Without objection, it is so ordered.

TRUMP EXECUTIVE ORDERS

Mr. SCHATZ. Mr. President, the American public won yesterday. After 36 hours of public panic and confusion and outrage, the Trump White House rescinded the illegal and unconstitutional order to freeze Federal funding for every State in the country.

It was an obvious attempt to usurp power, designed to hurt people by cutting off access to the things that they need most. When you say “Federal grants,” you might think it is just some subcategory—nonprofits or something—and that they are just doing a review, but let me list the things that were cut off over that 36-hour period: meals, schools, healthcare, childcare, roads and bridges, public safety. So it was no surprise that people all across the country were so outraged. They called our offices; they spoke up online; and they let their frustrations be known.

It was a little different than a normal political argument, because it was very real. It was, Do I have to send my people home today? It was, Hey, with the Federal funding portal—basically, a website—we take a drawdown, and then those dollars allow us to make our payroll for this domestic violence shelter or this construction project. If it is shut down, I am not going to make payroll, and if I am not going to be able to make payroll, you guys have to go home. I can’t pay you.

So this wasn’t something just to argue about online. This was across the country—people trying to figure out whether society as we knew it was going to continue.

This was not just a review of Federal funding or an effort to allow a new administration and a new Congress to put its stamp on the appropriations process. This was an attempt to take an enacted law and say: You know, I would like to take the parts of this law that I like and implement them, and I would like to take the parts of this law that I don’t like and not implement them.

Look, I would like to be 6 feet tall. I would like to dunk a basketball. I would like to be able to surf a pipeline. I would like to be able to take all of the waste in the Department of Defense and pour it into the native Hawaiians’ needs around housing and healthcare, but I am not a monarch, so I have to do this the old-fashioned way, which is to argue with my colleagues, to cajole my colleagues, to work with my colleagues, to do a little horse trading with my colleagues and get a law enacted. And there are going to be parts of that law that we enact—because it is big; it is Federal spending; it is a lot of spending—that I am not going to like, and there are going to be parts that I will love, but once it becomes the law, it is not within anyone’s discretion—

not a President, not head of the Office of Management and Budget, not the majority leader, not the minority leader, not an individual Member of Congress, not a Federal judge—to say: Pick what you like in this law; implement it; pick what you don't like in this law, and don't implement it.

So the judge said in Federal court yesterday: "The administration is acting with a distinction without a difference. While the piece of paper may not exist"—that is the rescinded budget memo—"there's sufficient evidence that the defendants"—the government—"collectively are acting consistent with that directive."

So we won the first battle, but, look, we understand this is probably going to last a thousand days or so. We are ready, and we will win this battle.

Look, I am not naive about what happens when you lose the House, you lose the Senate, and you lose the Presidency to the other party. You are in for some policy outcomes that you don't like. But, you know what, do it the old-fashioned way. Enact a law. Work within the law. Because the door does swing both ways in this town.

I just want every Republican who may be watching this speech, every person who cares about democracy itself who may be watching this speech, every staffer who may be watching this speech—I want you to imagine a President that you didn't vote for with this kind of authority. I want you to assume that sometimes there will be a Democratic President and sometimes there will be a Republican President, and that is the way it goes, that is the way our system is set up, and it is OK to suffer through and try to slow down or even thwart bad policy outcomes, but it should not be within the authority of a President to say: I won, and so I am just going to hand-wave away the parts of Federal law that I find objectionable.

I think that is such a high principle for anyone who spent all of this time and, frankly, money to get to the U.S. Senate, right? It is a sacrifice. It is a great job. There are Senators who spend so much time, and then they get here, and they kind of hate it, and they are kind of whining about it. I don't do that. I love this job. But it is a sacrifice, and there are a lot of very talented people who could be elsewhere working less hard and making more money. We get here because we want to get something done.

We all swear an oath to uphold the laws and the Constitution of the United States of America. The Constitution is not unclear. There are places where the Constitution, as Madeleine Albright said, is an invitation to struggle. In particular, on foreign policy, the Constitution is an invitation to struggle. It was intentionally made kind of opaque or even confusing between the article I and the article II branch. It was actually supposed to be not clear who was to drive foreign policy. So we have the Foreign Relations

Committee, we have the Appropriations Committee, and we have the Senate State and Foreign Ops Subcommittee, of which I am ranking member. That is a place where we are going to kind of do battle with each other between the branches of government and among the parties and between the two Chambers. That is all fine, and that is how the Constitution is set up.

But let's be clear. The Constitution is not at all unclear about the power of the purse. The power to appropriate money, the obligation to appropriate money is squarely in the hands of the legislative branch.

So it is not like a State government. It is not even like a county government, where you can go: Hey, I know you want that swimming pool in your district. Can we talk about how I need your vote on X, Y, Z?

That is how counties work sometimes, unfortunately. That is how even State governments sometimes work, unfortunately. But in the Federal system, once the law is enacted, the executive branch has discretion within that law, but they can't just ignore it, and when it is spending, they can't ignore it. That is what a Federal judge confirmed yesterday, and they will continue to confirm it.

Look, I worry about a lot of things, and I think we should all be vigilant, but I also don't think we should act as though we are powerless. We are out of power, but we are not powerless, because this President, just like any other President—it is not personal—is constrained by the law, is constrained by the Constitution, and is constrained by politics, which is to say, doing unpopular things is going to make him unpopular.

Shutting down VA home loans is unpopular. Telling people who are showing up to work on a highway maintenance project, with all their equipment staged, "Sorry, there has been a freeze on grant funding, and you have to go home" is unpopular.

Taking Medicaid—by the way, Medicaid comes to State government and then to hospitals and to clinics and to elder care facilities as a grant. So when you think "grant," I don't want you to think about a \$1.2 million grant to a nonprofit, although that is very important too. Most of the money that flows to State and county government, most of the money that flows to the private sector, they are grants.

So everybody needs to understand this lesson this week, which is, we did not elect a monarch. What I mean by that is, for my fellow travelers on the left, everybody has to understand that things are scary. We should be vigilant. This is going to be rough. I understand all that. But we don't catastrophize to the point where we think that this man is above the law. He is not above the law, and yesterday was a good reminder that nobody in this country is above the law.

So I am reminded of what the former speaker of the Hawaii State House used

to say—Calvin Say, who I was friends with, but then I tried to topple him, and so he relegated me to the back bench, but now we are friends again—he said: Be like the Bamboo—bend, but don't break.

So I do think democracy is going to be tested. I do think this institution is going to be tested. I think we are going to bend in ways that are super uncomfortable, and I am going to hate it. But we have to bend but not break. We have to bend but not break.

That goes for both political parties because, I promise you, it is not worth it. This person is not going to be President forever. A lot of people have safe seats, and a lot of people are in 6-year terms, and a lot of people are about to retire. I do think that oath to uphold and defend the Constitution and the laws of the United States of America has to continue to count for something.

So there was a lot of good, frankly, bipartisan pushback on what was clearly an unlawful Executive order and an implementing memo.

Look, it has been a rough couple of weeks if you are on my side of the aisle. I get that. Elections have consequences, and it has been really, really painful and scary, and really bad consequences happen. But we also have to understand that we won one yesterday and that Federal funds appear to be flowing again for State and county governments and that a couple of judges basically said: You can't do that. You can't do that.

So whether it was the birthright citizenship loss in court that the Trump administration experienced or this about the power of the purse, we just need to remember that we are still a democratic system with three coequal branches of government.

CABINET NOMINATIONS

Mr. President, we are voting on several nominees who will be in charge of executing Donald Trump's environmental and energy agenda, including Doug Burgum for the Secretary of the Interior.

Of course, the Trump administration's climate and energy policies are not a mystery. It is to exacerbate the climate crisis.

I think there is a healthy debate to be had, and I think some of my Republican colleagues know that I can be shockingly reasonable in the policy space around energy. The reason is, even though I have devoted my entire political career to climate action, I also come from a State that is highly dependent on low-sulfur fuel oil for electricity. So the pragmatism has to kick in because as much as I want us to be 100 percent renewable, and I think we will eventually get there, in the meantime, I have no interest in turning off the lights. In the meantime, we have a tourism industry to support. In the meantime, INDOPACOM is located on the island of Oahu.