

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 While the piece of paper may not exist"—that is the rescinded budget memo—"there's sufficient evidence that the defendants"—the government—"collectively are acting consistent with that directive."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.

So the closer you get to operationalizing a clean energy transformation, the more reasonable, I think, you become because you understand that we are currently using electrons that are derived—at least on the electricity transmission, distribution, generation side—that are derived from fossil energy. So we are going to have to make a transition.

So most of us—some people want to cease all fossil fuel generation. Some people want to, you know, go a little more slowly in the direction of transition, but most of us are probably in this band where we are just arguing about how fast we need to make this transition.

But I just want everybody to understand that the Trump administration's position is not that we are making this transition too fast but that we should never make it.

One of his first Executive orders was to shut down a bunch of offshore wind. So we have gone from energy abundance, energy dominance, all of the above, to, actually we don't really want energy dominance or energy abundance; we only want one category of energy because a lot of these offshore wind projects, which, by the way, were in the tens of billions of dollars—very exciting things—were coming in really low, cheaper than the current power purchase agreements that the utilities on the east coast were under. So this was about cheap and abundant energy.

So to the extent that there are some folks who thought that we were moving too fast in the direction of a clean energy transformation and that maybe we should slow down and that maybe we should look at the mix and maybe we should do natural gas if we can get the methane part of this under control—all of that I might not agree with, but I can kind of see where you are coming from, depending on your geography and depending on your politics.

But that is not what just happened. What just happened is they said wind is dead on the offshore, and they are trying to do as much of this as possible to create a demand for coal, right, for fossil gas.

So I am deeply worried about Lee Zeldin and Mr. Wright and Mr. Burgum.

I will also tell you that I was inclined to be openminded on Mr. Burgum because he has a very good relationship with his Tribes.

As the ranking member of the Senate Committee on Indian Affairs, I have come to take seriously the idea that, as I work with MARKWAYNE MULLIN and LISA MURKOWSKI and JERRY MORAN and JOHN HOEVEN and a bunch of people with whom I don't necessarily vote the same way, we have common cause when it comes to protecting the treaty and trust obligations and rights—I was just complimenting you, Mr. MORAN—of Native people: Native Hawaiians, Native Alaskans, and Native American

Indians. So I was inclined to have a good conversation with Mr. Burgum and at least consider voting for him.

Let me tell you why I am voting no—two reasons. One is, I do believe what happened this week is unlawful, I think it is unconstitutional, and I think it was presenting us with a constitutional crisis. So in a moment of it being a close call, I am going to err on the side of expressing my opposition to what the Trump administration is doing as it relates to Federal spending.

But I also specifically said I would like to have a phone call with Mr. Burgum. Look, I have an ego like the rest of us, but I am not one to get my nose out of joint—except playing basketball against my older brother—about someone not getting back to me or treating me, you know, with the proper protocol. But one of the reasons you vote for a Secretary is to have a working relationship should anything come up, whether it has to do with Tribal equities or Native Hawaiian issues or Federal land in the State of Hawaii or anything that comes under the Department of the Interior, and Mr. Burgum, I guess, just doesn't feel he needs my vote because we were never able to land a phone call.

So I will vote no today, and I hope we can continue to explore the possibility of working together and compromising where we can and fighting where we must.

This week was a rocky, rocky road, but week 2—democracy is still standing.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JUSTICE. Mr. President, I also ask unanimous consent to address the Senate while seated.

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

CABINET NOMINATIONS

Mr. JUSTICE. Mr. President, I can clearly tell you that it is a real honor to be addressing you, addressing my address on the Senate floor. Also, it is a real honor from the standpoint of being the new kid on the block. You know, you got several new kids now, but it is a real honor to be here and be with you.

I want to tell you just one thing about me real quick. I am all about the truth and, today, what I say to you will be just that. I challenge the media from time to time and say: Find something that knowingly I have told you is not true. And they can't do it. Now I make plenty of mistakes, but I speak just the truth.

So I am here today not to waste anybody's time. You know, I really truly

will never do that. I absolutely when I speak, I hope that others will listen because I am speaking from the heart, and I am speaking just purely the truth.

Doug Burgum is a really special man. His wife Kathryn, absolutely a wonderful lady. I know them well. It is a great man and a great family.

I can tell you just this: If you are looking for a Secretary of the Interior that is a smart guy, a super experienced guy, a compassionate guy, a guy that absolutely has unbelievable knowledge, Doug Burgum is the guy. That is all there is to it.

You know, being the Secretary of the Interior, I know you wear lots and lots and lots of hats. You look after lands and Tribes, and you are really, truly the doorkeeper of God's gifts.

Absolutely, from my standpoint, anybody and everybody that knows JIM JUSTICE, knows that I absolutely love the outdoors, and I truly, absolutely am a person that gets it, gets it all about God's gifts, gets it about the beauty of all of our lands in all of our country all across all of our lands, gets it about nature.

I can promise you, Doug Burgum sees just these things because I see them. He not only sees them, but he hears them. And not only does he hear them, but it touches his soul.

You know, Doug Burgum has seen the brilliance of the red on a scarlet tanager on a real crispy early morning as the Sun comes up. He has heard a wild turkey thunder as it gobbles, and he has seen the majesty of a great big bull elk, and he has seen the discipline of a bird dog.

You know, many dogs when they are hunting or whatever, they chase after and they bark. But a bird dog runs its heart out, finally finds the bird, and freezes and stops. The discipline of a bird dog is something really, really special.

Many people don't see all these things, but Doug Burgum does. And being the Secretary of the Interior with all of our millions of acres of lands, we expect that of that man, and he gets it. He truly, truly gets it.

Also, way beyond that, he will protect our ability to be able to hunt. He absolutely will protect our lands because they touch his soul. It is really, really special.

He also knows something about energy. He has vast, vast knowledge about energy. He has got to protect our natural resources. So just step back and think: Here is a man for whom, really, nature and the beauty of our lands touch his soul. He will protect that.

Absolutely, on top of that, we have an energy crisis in this country like you can't imagine. West Virginia knows energy, and JIM JUSTICE knows energy. Doug Burgum knows it, too, and President Trump knows that absolutely, of everything, energy is the most important of all today. It solves inflation; it provides for our defense. It