

travel ban—a ban on people coming to this country from a series of Muslim-majority countries. That ban was enjoined in Federal court. It was blocked. They tried again. It was blocked. They tried a third time. It was ultimately found to clear judicial muster.

So, frankly, an administration that has said over and over again they believe that impoundment is within the scope of power of the President is likely to try again and again. Impoundment sounds like a fancy way of putting your dog on a leash in the backyard. What it means is violating our constitutional order.

Article I of the Constitution sets the powers of Congress, and the power of the purse—the ability to say what will and won't be spent—is central to the relevance and the authority of the U.S. Congress.

And I will say there is a reason this is dangerous; this is bad. I am an appropriator. Those of us who serve on the Appropriations Committee, every year, participate in a difficult and complex process where we pull together all the different requirements and requests and issues and concerns from across our States and departments, and we pass a bill here on the floor. We pass it through the House. We send it to the President. The President signs it, and then the directives go out for what grants and what funding will be available.

I understand; President Trump won the election. There is a new majority in Congress. I fully expected that this year's appropriations process would reflect those different priorities. That is the normal order of things. But this order is reaching back to last year's appropriations and the previous President and trying to freeze it and reallocate.

That has real consequences for our ability to come to bipartisan agreements and pass legislation on appropriations if, in the going-forward years, Presidents can say, "I am not actually going to do disaster relief for this State because I don't like them," or, "I am going to freeze and cut funding for this program because it doesn't fit with my priorities," when he has already got signed legal orders.

There are still impacts on the ground. I am still hearing from Delawareans that funding for construction of roads or bridges under the bipartisan infrastructure law and new energy sources and tax credits under the Inflation Reduction Act are frozen or facing freezes.

And I want to turn to another concern of mine that is critical, important, and ongoing, but let's just focus on this first point. Until Trump backs down on these illegal orders and respects Congress's power of the purse and puts his focus back on helping Americans and reducing costs, this place and our country will not function and will not get better. Nothing about this order makes us safer, more prosperous, or more secure.

Mr. President, I am speaking today in strong opposition to President Trump's illegal Executive order of last Friday night that pauses all of our foreign assistance and development assistance. Let's be clear. Our development assistance, our foreign aid, isn't about charity; it is about security, and it is about values. We have alliances and partnerships around the world that are undergirded by our soft power, by our partnerships and investments in helping make the world safer, more stable, and more secure.

And what happened last Friday night at the end of the workday, when there was no one there to answer urgent questions, was a freeze on all foreign assistance, with a very narrow exception for food aid, and it has caused chaos in the global community that delivers aid and assistance around the world. For days, there were questions unanswered—what did this mean?—in Ukraine, in Lebanon, where there are wars and ceasefires, where critical grant funding and work by contractors help put the lights back on after Russian attacks on the electrical infrastructure in Ukraine, where a ceasefire implementation in Lebanon was ongoing; in parts of the world where we were continuing to bring home to the United States those who had served alongside us in Afghanistan, Afghan SIVs and their families, waiting for processing, abandoned from Qatar and here in the United States; a halt on drug supplies that help keep 20 million people living with HIV through the program PEPFAR, long supported by Presidents and Congresses of both parties; a freeze on activity to counter fentanyl and narcotics trafficking, to push back on Chinese and Russian disinformation, and to promote democracy. With urgent upcoming elections, the International Republican Institute and the National Democratic Institute are frozen in their activities and forced to lay off or furlough their workforce.

Let me thank Secretary Rubio for responding to urgent calls to broaden the aperture for humanitarian waivers for this freeze, but let me also say that with dozens and dozens of the most senior people at USAID put on furlough—so implementing this got harder—and with thousands of contractors who work for USAID in countries around the world dismissed or laid off, the consequences will be severe.

I will just give you one example. I suspect everyone listening has heard of the disease Ebola. I suspect not everyone has heard of the disease Marburg. They are related. They are highly transmissible and deadly viruses. There is a new outbreak of Ebola in the capital of Uganda. There is an ongoing outbreak of Marburg in the neighboring country of Tanzania. This freeze pauses the pandemic surveillance work, the urgent public health work, the assistance we provide that makes sure that we are safe from a rapidly emerging and lethal global pandemic that we put in place after the last pandemic.

When we halt foreign assistance, it has consequences. It is just 1 percent of our total budget. Most Americans think it is a big percent of our spending, but it is 1 percent—actually, less than 1 percent—of the total Federal budget. And there is a winner here. It is not the American taxpayer. Freezing programs like this causes chaos and often causes more to restart them after a review.

The winner is China. Our biggest global competitor and adversary is delighted that we have handed them an opportunity to say to communities and countries around the world that we are not a reliable partner; that despite contracts and promises, commitments and programs, they now have months to crow about how we have abandoned our partnerships with country after country around the world. China is delighted when we lay off or furlough or cut the resources that help fuel the work of our diplomats and our development professionals.

And China has seen its opportunity to expand its influence through programs like the Belt and Road Initiative. They have spent a trillion dollars in projects across the global south in the last decade, and our ability to counter Chinese influence, to make strategic investments, has been put gravely at risk by putting on hold the workforce and the contracts that help deliver.

The administration may be claiming that this pause is temporary, but its effects will not be. The lasting impacts on small businesses, on contractors, on NGOs, and loss of expertise, loss of their workforce, and loss of their credibility I think will be lasting, dangerous, and harmful.

#### NOMINATION OF TULSI GABBARD

Mr. President, I rise today to warn my colleagues about the risks posed by the nomination of Tulsi Gabbard to be Director of National Intelligence. As ranking member of the Defense Appropriations Subcommittee, I have a substantial role with our Nation's intelligence community.

And what we have seen already from former Congresswoman Gabbard in her hearing is alarming. Refusing to speak clearly to the actions of Edward Snowden that have earned him the title "traitor."

Bemoaning the rise of HTS in Syria without mentioning the fall of the brutal dictator Assad. Repeatedly dodging relevant, timely, and pointed questions about FISA and section 702, critical to America's security.

All of this, sadly, is in keeping with a longstanding record as an apologist for authoritarians and enemies of our Nation. She has repeatedly blamed the United States and NATO for Russia's full-scale invasion of Ukraine. She visited Syria and met with Assad, a brutal dictator, in 2017, and relied on pro-Assad sources to cast doubt on his horrific use of chemical weapons to attack his own people.

And former Congresswoman Gabbard's long history of repeating

pro-Kremlin talking points, such as the false claim the United States was operating biological research labs in Ukraine has made her a favorite guest on Russia state media.

We should be working together to elevate people in our national security apparatus who are sanctioned and banned from Russia because they have worked hard to oppose our enemies, not praised by them.

Our Nation faces real and growing security threats daily. We need an intelligence service resourced, equipped, and led to capably oppose them.

Can we count on Tulsi Gabbard to provide that leadership? I don't think so. And I cannot support her nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. HUSTED). The Senator from Iowa.

#### DEPARTMENT OF DEFENSE

Mr. GRASSLEY. Mr. President, every so often, I come to the Senate floor to bring my colleagues up to date on the lack of financial management system in the Department of Defense.

I am here again to address what I consider a festering bureaucratic sore. The Pentagon can't keep track of the taxpayers' money. And as I just indicated, I speak about this many times. In 30 years of watchdogging, little or nothing has happened.

Internal controls over the taxpayers' money remain weak or nonexistent at the Department of Defense. And I am here today to speak specifically about a recent inspector general's audit, driving home that point. Specifically, auditors discovered \$1.1 billion in undocumented payments by the Pentagon using funds Congress provided to assist Ukraine.

They examined 479 transactions for the calendar year 2022, totaling \$2.1 billion dollars. The auditors determined that 65 percent of the transactions could not be verified for a lack of documentation.

If the sample were doubled in size, the inspector general estimated a staggering 94 percent would be unsupported.

Now, we all agree that is unacceptable; or if we don't agree that that is unacceptable, there is something wrong with our thinking.

The rules are crystal clear. Supporting documentation is required when paying bills. Proper documentary support should include a contract, travel authorization, invoice, receipts, payment voucher, or things like that.

And I don't mean you have to have all those available to pay a bill, but you ought to have at least one of them or more before you spend the taxpayers' money.

Now, taken together, these records form an audit trail essential for payment verification and fraud detection.

If the documents match up, a bill is ready to pay. So \$1.1 billion went out the door, and there is no documentation to back it up.

I want to make very clear: That is an audit report, not CHUCK GRASSLEY say-

ing that. So we don't know how that money was used. Was it spent to assist Ukraine as required, or was it misused or stolen? We simply don't know.

Clearly, unsupported payments leave the door wide open to fraudsters. Paying bills without documentation shows neglect and indifference. It is reckless and should not be tolerated.

These undocumented expenditures occurred on the watch of Chief Financial Officer—or as we know him CFO Mike McCord. Though Mike McCord has departed the Department, he and his deputies are accountable. They failed to exercise due diligence over the public's money.

Such gross mismanagement is made worse by the Pentagon's pitiful accounting system—or as I said in my opening, the lack of a financial management system.

Top managers turned a blind eye to this problem as well, just like a long line of their predecessors. Instead of modernizing, they kept pouring out billions down a rathole to upgrade ancient systems that belong on the junk heap.

Why did such smart, experienced managers go down that rabbit hole? Why did they fail to acquire modern systems that could produce reliable information, effective controls, or clean opinions? Why has this problem not been fixed?

There once was a bravehearted watchdog in the Air Force's Comptroller's who claimed to know the answer. Ernie Fitzgerald was that person's name. I knew him in the 1980s. He worked in the Defense Department until he retired maybe 20 years ago, and he probably died about 3 or 4 years ago.

He had this to say:

Leaders in the Pentagon don't want to fix it. Sloppy accounting gives them flexibility to hide their shenanigans.

When there is no audit trail to follow, it is easy to make sneaky accounting adjustments to cover your backside. Pentagon managers have some explaining to do, and I am all ears. I want to give you just one recent example, and I am following up with the inspector general in the Pentagon to get some answers on this.

Over a period of 6 years, until earlier last year when she pleaded guilty to—can you believe this—stealing \$106 million out of the Defense Department. She was buying all kinds of homes and all kinds of expensive cars, and I don't have a long list of where \$106 million went, but can you believe over a period of 5 years, there was nobody in the Defense Department who caught it? Eventually, after 6 years, the IRS discovered it, but she got away with it for 6 years. Now, she is prosecuted and 15 years in prison. She wasn't prosecuted—she pled guilty.

But so I write to the IG to get an explanation of how come they have a financial management system—or a lack thereof—that doesn't catch somebody stealing \$106 million. So I sent along,

with those questions I am asking the IG, a report that I put out in 1998 that was a report of people stealing money at the Air Force base in Dayton, where they had this check-writing machine, and we found out that the person managing that check-writing machine could make checks out to people in his family. And there was about \$5 million stolen at that particular time.

And so we went to Dayton to study what was wrong, and what was wrong is exactly what this audit report shows today, they were writing checks without invoices.

Now, you see, we pointed something out, what, 26 years ago or something like that, that was wrong with financial management in the Defense Department, and I—so I guess you could say the Defense Department has learned nothing in the last 26 years.

And I just hope that they would take my report of 1998 and what is wrong with Janet Mello stealing \$106 million and try to change the system.

Now, we, in the Congress, with our power of oversight, or as you study in high school government, checks and balances of government, we appropriate money, we pass laws, but we don't enforce those laws. We have a constitutional responsibility to point out when the executive branch of government or the people in the executive branch of government aren't faithfully executing the laws that we pass or properly appropriate spending the money the way we appropriated.

So we don't enforce the laws; we make the laws. We have oversight.

But what do you do? You come to the floor of the U.S. Senate and try to raise Cain about it and get some changes made. But the Defense Department is a little bit different than any other Agency of the Federal Government because they are the only Agency of the Federal Government that has never had a clean audit.

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

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

#### REAGAN NATIONAL AIRPORT FLIGHT ACCIDENT

Mr. MURPHY. Mr. President, a lot of Americans turned on the TV today hoping that the President of the United States was going to make a non-political, nonpartisan statement grieving the loss of those who died in the awful plane crash last night. Instead, he almost immediately launched into a political tirade, blaming what he called DEI. That accusation was echoed by the new Secretary of Transportation and the new Secretary of Defense.

Apparently, the allegation is that by hiring non-White men at the FAA, this plane crash occurred. That is not true. That is offensive. It is not grounded in