

So this is what brings me to the floor today. On May 26, this year, the Office of Personnel Management—OPM for short—published a notice with requests for comment in the Federal Register. That notice announced that OPM created a draft nondisclosure agreement form for use by Federal Agencies for both new and existing employees.

According to the Office of Personnel Management, this governmentwide nondisclosure agreement is needed to protect confidential information from unauthorized disclosure. In other words, this new proposed regulation is supposed to stop what we call leaks in this town. Office of Personnel Management provided examples of recent leaks to the media about law enforcement and military operations that put the lives of our Federal officers and military members at risk.

It is truly unacceptable when the unauthorized disclosure of information puts the lives of law enforcement and military personnel at risk. Full stop.

It is important to note the distinction between leaks and whistleblowers. Legally protected whistleblower disclosures are not leaks. Legally protected whistleblower disclosures aren't unauthorized disclosures. It can be a fact-specific analysis to determine which side of the line a disclosure falls on. But during that analysis, the benefit must be given to the patriotic whistleblower.

Now, turning to the text of the Office of Personnel Management draft disclosure form, it works this way: It contains an anti-gag provision but doesn't include the full text as required by law. So it should have the full text of the law that got passed. It fails, also, to include that disclosures to the Office of Special Counsel are allowed. And that is in the law as well.

Further, the anti-gag provisions are at the very beginning of the form rather than at the end like other government nondisclosure agreements, where people that are signing the agreement know what their rights are. As a general matter, I am concerned about the use of nondisclosure agreements because they can chill whistleblowers, even if that is not the intent of the nondisclosure agreement.

I demand that the anti-gag provisions be put at the end, where employees sign. At the end will provide the employee with the mental assurance that they are not giving up their whistleblower rights.

Again, the balance must always be on the benefit of the whistleblower because we shouldn't be doing anything in this government to discourage honest whistleblowing.

As I continue to analyze the draft rule this month, 2026, I wrote to the Office of Personnel Management Director making clear that they need to immediately fix these preliminary issues, have the nondisclosure just above the signature, mention the Office of Special Counsel, and also put the entire language of the legislation in the document.

If the draft nondisclosure form is implemented, Congress, of course, should follow up with oversight to ensure that it is not used inappropriately.

And this Senator intends to do that oversight for sure.

#### U.S. SUPREME COURT

Mr. President, now on another matter, I want to address the recent threat to the Supreme Court made by Democratic Members of the Congress.

Last week, a major newspaper published a piece with a simple title: "Democrats Promise to Wreck the Supreme Court."

Now, if you have been around this town a while, that is not hyperbole; it is a fact. Today, I want to tell the American people what is really going on because what House Democrats are proposing to do to the Supreme Court is not reform. It is a power grab disguised as institutional concern.

So let's start with the facts. House Democratic leadership has called the Supreme Court a "disgrace" and said that if Democrats take back the Congress in the midterm elections this year, "[e]verything is on the table."

Why? Because House Democrats don't like the way this Court rules, and it is that plain and simple.

And for those asking what House Democrats mean by "[e]verything is on the table," well, they have already told us. They are calling for four new Justices to be added to the Supreme Court. In other words, they want to pack the Court by adding new activist judges—in the case of the Supreme Court, Justices—who will rule the way that they want, not the way the Constitution demands.

Court packing is not oversight. Court packing is not reform. That is a direct threat to what we ought to honor in the judicial branch of government. Packing would undo judicial independence that we expect out of our Supreme Court.

House Democrats aren't alone either. Very recently, Democrats in Virginia recently threatened to pack their own State supreme court to circumvent a ruling that they didn't like. Another example is Kamala Harris. The Democratic Party 2024 Presidential nominee recently floated the idea of Democrats packing the Supreme Court as part of a—in her words—"no bad idea brain-storm."

House Democrats have said that 4 new Justices are needed—expanding the Court from 9 to 13—because the number of Justices should match the number of Federal appellate circuits. That might make sense if the Supreme Court hadn't operated with nine Justices since 1869—that is for over 150 years. And it also might make sense if we hadn't had 10 Federal circuits since all the way back to 1929—obviously, nearly 100 years ago. Additional circuits haven't been a reason to add Justices for nearly a century, and it is not a reason for doing it today.

The proposed rationale given by House Democrats then is a diversion.

Their objective is very clear. They want to add new Justices to the Supreme Court and appoint them under a Democrat President.

So why would they want to do that? Because four new Justices are the exact amount that they think they need to secure a liberal majority on the Court.

And what makes House Democrats' objective even more clear is their timing. Are they asking for these new Justices to be added right now? Of course not. If they were added now, President Trump would be making those appointments.

The fact that House Democrats aren't calling for new Justices today tells you everything that you need to know about the motive of Democrats packing the Supreme Court. Now, I would like to give House Democrats a history lesson. President Franklin Delano Roosevelt, a Democrat, attempted to pack the Supreme Court in 1937. That attempt failed, and it failed in a Democratic-controlled Congress—overwhelmingly Democrat controlled in the 1930s. Yet here we are nearly a century later, and Democrats are back trying to pack the Court again.

House Democrats knew that Court-packing was a bad idea in 1937, and, of course, they seem to have forgotten that wisdom in 2026.

The American people have the right to know the truth behind all of this. House Democrats aren't upset about judicial ethics or institutional integrity. They are upset because the Supreme Court is doing its job, and that job is applying the Constitution, as written, rather than applying the Constitution as House Democrats wish that it was written. They want the Supreme Court that will deliver the outcomes that they want, not the outcomes that the Constitution commands. And since House Democrats can't get their preferred outcomes through the democratic process here in the Congress of the United States, they want to rig the Supreme Court to ensure that they never lose, and that is not how our representative form of government works.

When it comes to the House Democrats' lack of concern about actual judicial oversight, there is a real-world example that proves my point. Right now, there is a sitting Federal judge embroiled in a genuine scandal. An official judicial investigation found that this judge carried on a years-long extramarital affair, which included intimate encounters in her judicial chamber during work hours and within earshot of her law clerks. When investigators, including the Chief Judge of the Eleventh Circuit questioned her, she lied about it; and if that wasn't enough, the investigation also uncovered that the judge attended a partisan political event in violation of judicial conduct efforts.

What was the result of this investigation? Nothing but a private reprimand. In fact, a slap on the wrist. She still remains on the bench.

This Federal judge is an example of actual misconduct documented, investigated, and confirmed by her own judicial colleagues.

Now, all this outrage about the Supreme Court being packed, what about the outrage from Democrats about this incident I just described? I haven't heard any whatsoever.

While House Democrats hold themselves out as caring about judicial oversight—they do it in hearings, they do it on floor speeches, and they do it in press releases—they are very silent when it comes to a real, bona fide scandal right under their very noses.

To House Democrats, judicial oversight looks like a one-way street. When they are unhappy with the Supreme Court rulings, they are willing to blow up the entire institution and rig the Court to achieve their preferred outcomes. When a district judge conducts a years-long affair in her chambers, lies to investigators, and violates the judicial canons, these Democrats don't say a single word.

That is not judicial oversight. That is, very simply, politics.

The Supreme Court is doing its job. It doesn't answer to the Republican Party or the Democrat Party. It answers to the Constitution. The American people know that, and the House Democrats should learn that. If House Democrats want to talk about judicial oversight, they should focus on a real scandal like the one happening right now in Georgia that I described, and they should do that instead of fabricating reasons to pack the Court.

I yield the floor.

The PRESIDING OFFICER (Mr. CURTIS). The Senator from Louisiana.

#### APPROPRIATIONS

Mr. KENNEDY. Mr. President, it is the best of times, it is the worst of times, it is the age of wisdom, but it is also the age of jackassery.

Sometimes I don't recognize our world. I will give you one example, at least from my perspective. President Xi in China, President Putin in Russia, and the Ayatollah in Iran have formed a partnership. It is not an equal partnership. The managing partner is President Xi. Unless you are the reason your parents drink, I think you can see that. It is just obvious.

And their goal—President Xi and his two junior partners—is to have Russia dominate Eastern Europe, to have Iran dominate the Middle East, to have China dominate the Indo-Pacific, and have the freedom to roam throughout Sub-Saharan Africa and South America and the Arctic and space.

Now, that is the game plan. That is not a world that is safe for America. I do not want America to be the world's policeman, but I don't want Xi Jinping and Vladimir Putin and the Ayatollah in Iran to be either.

We have to meet this challenge. To do that, we have to spend more money on defense. I wish we didn't, but we do.

Now, there are only three ways to do that, as you know, Mr. President:

Through our budget, the regular appropriation process; through what is called a supplemental bill, which deals just with defense spending; and through the process of reconciliation.

Passing a supplemental bill is not going to work for reasons—the same reasons that we are not going to be able to pass a budget, about which I will talk in a second.

We have the option of reconciliation, but time is running out. And I hear all of the happy talk—I don't mean that really in a pejorative sense, even though I realize it came out that way. But I hear all the happy talk from the House, and I have participated in that happy talk saying we need to do a third reconciliation bill. But if I am honest with myself, I know we are not.

And when the press comes to me—one came to me today—one particular reporter. He was down by the escalators kind of walking around looking like he had lost his luggage at the airport. And he came, and he said: I want to ask you a question, like I have got a quote every day. And he said: So and so says we are going to have a third reconciliation. What is your response?

My response was honest: dream weaver. I wish it would happen, but I don't think it will.

The only way to get more money to protect America is through our appropriations bill. We can also do a supplemental, which I just referred to, but if we can't pass an appropriations bill, we sure can't pass a supplemental.

I am on the Appropriations Committee. As you know, Mr. President, our budget is so big, we don't do just one bill. We do 12 mini bills. We divide it up. That is a lot of bills to pass, but we have done it before. We did it last year.

The budget that we are operating under right now was passed in a bipartisan effort, with the exception of a small piece of Homeland Security. It was passed with a bipartisan effort and voted for by both Democrats and Republicans. That is the way it is supposed to work. Other than confirming Presidential nominations, that is our most important job: to put together a budget. So we know it can be done.

Now, our fiscal year—don't ask me why—runs from September 30 to October 1. So the budget under which we are operating right now, which all Democrats—not all but most Democrats—and Republicans joined in on, is going to run out September 30. So we have been working on a new budget, which will begin October 1.

I hope I am wrong, but there is not going to be a budget. And if I am wrong, I will come to this floor and I will say: I was wrong; I apologize.

But it is clear to me, from our negotiations with my Democratic friends—and they are my friends. They are the Presiding Officer's friends too. We don't hate in this Chamber. We try to get along. But it is clear to me, from my discussions with my Democratic friends, that there is no scenario under

which they are going to pass the budget.

They understand we have to spend more money on defense. President Trump has proposed a 42-percent increase in defense spending. That is pretty strong. That is as strong as horseradish. We might can do it if we work together and did it through a supplemental and regular order and a reconciliation bill. But without that—without busting it up—I think 42 percent would be, even on our best day, very, very hard to do in regular order. I think, if everybody were pulling in the same direction, we could probably do a 20- to 25-percent increase in defense spending in our regular budget. We would have to borrow the money. It breaks my heart. And I know we can work hard to find some offsets. But we just have to do it.

But here is the problem: My Democratic colleagues are not going to go along. They are not. I know they say they are, but they are not.

First, in order to do a budget, you have to know how much money you are going to spend—duh. We call that the top line. So when we go to our Democratic friends and say, "Let's negotiate a top line," they say, "We are thinking about it." And we make an offer, and they say, "We will consider it." And then we make another offer, and they say, "We will consider it." Then we make a third offer, and they say, "We are thinking about it." You know, when people act like they don't care, sometimes, it is not an act. They won't even negotiate seriously about the top line.

We are together a lot. We talk among ourselves. And I have had some of my Democratic friends tell me privately: If you want to spend 25 percent more on defense, we want 25 percent more on nondefense—welfare, social spending.

Now, they know we are not going to agree to that. You know what that tells me? They don't want a budget. And I think that if we went to our Democratic colleagues today and said, "OK, you win; we are going to spend 25 percent more on defense, and we will spend 25 percent more on nondefense; let's vote," every single Democrat would vote no. Every single Democrat will vote no in the Appropriations Committee and on the floor of the Senate.

If I am wrong, I will apologize. I may be wrong, but I doubt it, because my colleague Senator SCHUMER, as is his right, is telling the Democrats not to agree to a budget. And Senator SCHUMER, as is his right, is taking his orders from the Graham Platner wing of the Democratic Party.

It is not all Democrats. It is not all Democrats. But, clearly, the Graham Platner wing of the Democratic Party is in control. And many members of Democratic leadership are scared to death of them, and they are going to do what the Graham Platner wing of the party wants. And what the Graham Platner wing of the party wants is to