



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 119th CONGRESS, FIRST SESSION

Vol. 171

WASHINGTON, WEDNESDAY, OCTOBER 8, 2025

No. 166

Senate

LEGISLATIVE SESSION

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, we rejoice in Your strength. You are our refuge, for Your faithful love endures forever. In spite of this government shutdown, our confidence in Your love sustains us. Be merciful to our Nation and world, for You are our hope.

Lord, provide our lawmakers today with the music of Your wisdom, that they may bring hope out of despair and joy out of sadness. Increase their faith, hope, and love, that they may receive Your promises.

Teach us all to trust in Your prevailing providence, even in life's storms, because You are the God who saves us. Hasten the day when we can say: This is the Lord's doing, and it is wonderful to see.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. MULLIN). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE BUREAU OF LAND MANAGEMENT RELATING TO "MILES CITY FIELD OFFICE RECORD OF DECISION AND APPROVED RESOURCE MANAGEMENT PLAN AMENDMENT"—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.J. Res. 104, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 104) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Land Management relating to "Miles City Field Office Record of Decision and Approved Resource Management Plan Amendment".

The PRESIDING OFFICER. The Senator from Iowa.

ARCTIC FROST

Mr. GRASSLEY. Mr. President, Monday of this week, I invited eight of my colleagues to be briefed on an issue that we just found out about from Deputy Director Dan Bongino. What we learned is very disturbing and outrageous political conduct by the Biden FBI.

As most of you know, this year, Senator JOHNSON and I made records public relating to our investigation of Arctic Frost. Arctic Frost was the FBI investigation that became Jack Smith's elector case against then-citizen Trump. We have shown that partisan FBI agents and the Department of Justice prosecutors created and advanced that matter, and they did so in violation of FBI rules. We have shown that the FBI expanded the investigation to almost 100 Republican groups and individuals, even including Charlie Kirk's Turning Point USA. And we have

learned that Arctic Frost included the targeting of at least eight Republican Senators—the same ones that I invited to that briefing.

In 2023, the Biden FBI sought and obtained cell phone tolling data about my colleagues' personal phones. We have been told the date range for that data was January 4 through January 7, 2021. This is obviously an outrage, obviously an unconstitutional breach. Attorney General Bondi and Director Patel need to hold accountable those that are involved in that serious breach and wrongdoing, and I am confident that those two officials will do just that.

Now, based on the evidence to date, Arctic Frost and related weaponization by Federal law enforcement under Biden was arguably worse than the Nixon Watergate scandal.

I have also been informed that Arctic Frost documents, like the one targeting Republicans, have been hidden in prohibited access files.

Now, let me tell you what I think a prohibited access file is. It might be legitimate for national security. It might be legitimate for intellectual property. It may be legitimate for the personal privacy of American citizens. But it should never be used for what it was used for: to hide things from the public that would embarrass bureaucrats and government officials and maybe even political officials.

As I have made public through my oversight, when files are in a prohibited access file, they receive what the FBI calls a false negative search result on their database. So that means that if you ask for emails or some records of the FBI, and they type it in, it doesn't show up, so that it doesn't exist. Clearly, this impedes responses to congressional oversight and court cases. It allows for misconduct.

Because of whistleblowers informing me of this serious problem, the FBI is now reviewing these file types, and only because of that review, the document about targeting eight Republican Senators was located.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Lastly, I started the Arctic Frost investigation in July 2022. Now, it has taken years to get records and to advance the investigation. Sometimes my oversight work is done quietly, outside of the public eye, but what the public is now seeing is the importance of congressional oversight and the importance of whistleblowers exposing government misconduct. My whistleblowers deserve great thanks for what they have helped to expose.

We were all shocked and outraged by the unjustified fishing expedition Deputy Director Bongino informed us about. The FBI told us in our briefing that not a single one of my colleagues on the list was under investigation, so the FBI did its dirty digging without legitimate predication.

We expect Patel and Bongino to shut this abuse down and do it immediately, and I want my colleagues and Iowans to know that I won't give up until I have followed all the facts and accountability is delivered for the American people.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

GOVERNMENT FUNDING

Mr. SCHUMER. Mr. President, it has now been a full week—a whole week—of Donald Trump's government shut-down, and the country is feeling the sting of Republican intransigence. Over 700,000 Federal employees have been furloughed. Services are being disrupted. The Wall Street Journal reported this morning that businesses nationwide with government contracts are in peril.

The Republican-manufactured disaster did not need to happen. The government is shut down for one reason and one reason only: Donald Trump and the Republicans would rather kick 15 million people off health insurance, would rather raise premiums by thousands and thousands of dollars a year on tens of millions of Americans, rather than sit down and work with Democrats on fixing healthcare.

That is the reason. They would rather kick tens of millions off healthcare than sit down with us and work with us in addressing this so important issue—so important to the American people.

Now, Americans are frustrated. The cost of living continues to go up. Donald Trump's tariffs have sent grocery prices spiking. It is even more expensive now to buy a cup of coffee, the first thing many people drink in the morning. They are going to see Trump's tariffs hurting them.

People are worried about paying more on their electricity bill. Forty-

one States have seen increased prices. Why? Because in their mania of hating clean energy, they cut out so much of wind and solar, solar being the cheapest form of new energy to go on the grid.

Americans are pessimistic that any of this is going to get any better, and they blame President Trump and the Republicans. A CBS poll from a few days ago found that 75 percent of Americans don't think the administration—the Trump administration—is focusing enough on lowering costs. Fixing healthcare would be at the top of the list for lowering costs for people.

Now, Democrats want to reopen the government right away. We want to have a serious negotiation to fix healthcare so that people can see their costs go down. And we can do both: fix healthcare and reopen the government. This is not an either-or thing, which Republicans are making it, and the American people don't like it.

Democrats have been consistent. Our position remains the same. We have been saying it for months: Republicans are shutting down the government because they refuse to address the crisis in American healthcare.

One sentence sums it all up: Republicans are shutting down the government because they refuse to fix and address the crisis in American healthcare.

Now, our Republican colleagues, being against public sentiment, are flailing. On the one hand, it is starting to sink in for Republicans that their position of not fixing healthcare is untenable in the eyes of the American people.

As President Lincoln said, "Public sentiment is everything."

Well, public sentiment is building on fixing healthcare. It is high already. It is getting higher every day, and it is not going to recede. It is getting even stronger.

Republicans refuse to acknowledge that public sentiment is not on the side of Trump and JOHNSON. And JOHNSON has become the No. 1 roadblock to ending a shutdown.

He sent everyone home for 3 weeks now. If you care about fixing the crisis, if you care about reopening the government, how the hell do you keep your House not in session for 3 weeks?

And now their buddy JOHNSON himself is feeling the heat. At first, he and his caucus were telling Republicans in the House: Don't talk about healthcare. They knew the American people were against what they thought. JOHNSON's leadership team explicitly told Members in a memo not to mention healthcare when talking about the shutdown.

Of course, that didn't work because the public knows, overwhelmingly, that we need lower healthcare premiums and that is what Democrats are fighting for and that is what is preventing the Republicans from coming to the table. They don't want to fix it. That is why they are causing the shutdown.

So feeling the heat, Speaker JOHNSON held a press conference yesterday and said perhaps one of the most ridiculous things I have heard from Republicans in a long time. He said: "Let me look right under the camera," said JOHNSON, "and [I will] tell you very clearly: Republicans are the ones concerned about healthcare."

As he did it, he couldn't look right into the camera. Deep in his subconscious, he knew he wasn't telling the truth. What he said was nonsense. He couldn't even look in the camera when he said this because he knows the American people don't buy what he is saying.

Republicans are the ones who cut a trillion dollars from Medicaid, who tried to repeal the ACA. Three times we asked them to vote to sustain it after the new year. Three times they voted it down.

So that is first.

Second, Donald Trump is making all these terrible threats led by the evil Mr. Vought. Trump is saying, he is going to fire people en masse, saying that Federal workers don't even deserve backpay, even though he signed the law guaranteeing backpay in 2019.

Again, they are threatening. They are bludgeoning. They are using the American people, government workers, as pawns. But these kinds of tactics from the administration are backfiring. Americans don't like being used as pawns. Even if they are not one subject to being held hostage, they don't like watching it happen.

The American people know clearly that it is Republicans who are in charge. Republicans have the White House. They control the House and the Senate. So when people are laid off, when people are not paid, when people are not getting backpay, they know it is the Republicans trying to do it, even though they are using it to try and bully us.

It is not Democrats who are threatening to fire people or threatening to withhold backpay. It is the Republican side, Donald Trump, saying all this, and the American people know it and will blame them for these mass firings and chaos.

The data is very clear that trying to use the public as political pawns will backfire for Republicans, and plenty of Republicans in Congress know this. That is why, behind closed doors, some Republicans are praying the administration tones down its threats because these mean-spirited tactics by Russell Vought aren't going to win in the court of public opinion or the hearts and minds of Americans.

Look, Republicans are tripping over themselves because they are divided on the core issue: fixing people's healthcare.

When someone on the hard right—the hard, hard right—MARJORIE TAYLOR GREENE, openly says Republican leaders are wrong and that we need to fix the premiums, that is how you know how deeply Republicans are split.

Let me read what she said. This is MARJORIE TAYLOR GREENE, not CHUCK SCHUMER:

I'm going to go against everyone on this issue—

Healthcare that is—

because when tax credits expire this year my own adult children's insurance premiums for 2026 are going to DOUBLE, along with all the wonderful families and hard-working people in my district.

More Republicans should listen to her because on this issue, she is right on the money. Meanwhile, Democrats' position hasn't changed. We urge our Republican colleagues to join us in serious negotiation to reopen the government and extend ACA premiums. It is the right thing to do for the American people, and by doing it, we will be able to quickly reopen the government before any more serious damage is done by the Republicans to our country.

NOMINATION OF JENNIFER LEE MASCOTT

Mr. President, finally, on nominations, today, the Senate will vote to advance the nomination of Jennifer Mascott of Maryland to be a circuit court judge for the Third Circuit. I will oppose Mascott's nomination because she does not seem to have any other qualification for the job other than this: She is a career loyalist and sycophant to Donald Trump.

She has no connections to the Third Circuit. She has never lived in Delaware. She is not even licensed to practice law in Delaware. In fact, her only link to the State is a beachside summer home.

If you look at Mascott's resume, the only time she has ever really practiced law is the 2 years she worked in Trump's Department of Justice. That is it, and you are putting her on the circuit court, one of the most important courts in the country?

Well, the only reason Donald Trump is putting Mascott on the bench is because he thinks she will do whatever he wants from the bench. She will be a total, total Trump sycophant—not look at the law, not look at the facts, just look at Donald Trump and see which way he is nodding and follow it.

This nominee is another troubling example of the "Trumpification" of the Federal bench, where loyalists replace jurists and obeisance to Trump matters more than adherence to the law or precedent or even the Constitution.

It is just like what we saw yesterday in the Judiciary Committee.

Pam Bondi exposed herself as woefully unqualified to be Attorney General but a supremely obeisant Trump deputy is what she is instead. She spent her time dodging questions, hurling insults, and, most importantly for Donald Trump, defending the President's interests more than anything else, even if the law or the facts or the truth pointed strongly in the other direction.

This troubling pattern of obeisance above all in our judiciary system is dangerous and troubling. So I will oppose today's nominee and urge my colleagues to do the same.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

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

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

GOVERNMENT FUNDING

Mr. THUNE. Mr. President, we are now on day eight of the government shutdown, which is truly unfortunate and unnecessary and totally at the behest of leftwing Democrat special interest groups that have pressured the Democratic leadership into a position that makes absolutely no sense to any thinking person.

I want you to think about where we are. Think about this scenario: You have a bill passed by the House of Representatives, over here in the Senate—24 pages long, clean, short term, non-partisan, no policy riders, no Republican priorities—a clean resolution to fund the government. And there are 55 Senators—55 out of 100 Senators—who are voting for the clean, short-term funding resolution that would open up the government.

The President of the United States has said that, as soon as it is passed in the Senate, he will sign it into law. So what you have is complete unified support for a short-term funding resolution to keep the government open and make sure that all the government employees who are currently being impacted and their families can get back to work and get paid again.

And so it is always interesting when the Democrat leader comes down here and describes this fantasy world where the bill that they proposed, which would only get 47 votes here in the U.S. Senate—not even 50, not 51, not a majority, and certainly not the 60 that are necessary to pass consequential legislation in the Senate—it wouldn't get a single vote in the House of Representatives.

So they have got a bill, a proposal, that they say keeps the government open, that can't pass the Senate, wouldn't pass the House, and wouldn't be signed into law by the President.

You tell me—you tell me—who is responsible for the government shutdown.

Republicans passed a bill in the House. It is over here in the Senate, 24 pages long, sitting right at the desk. We can pick it up and pass it today and send it to the President, who will sign it into law, and the government opens up again.

Or—or—you can take this proposal the Democrats have, which has \$1.5 trillion in new spending, allows for free healthcare coverage for noncitizens, completely obliterates the \$50 billion rural hospital fund that we put in place to support rural hospitals in this coun-

try that are struggling, and they think that would pass. It doesn't pass here, doesn't pass the House, and wouldn't get signed into law by the President.

So just a logical person, think about this. Think about the juxtaposition of those two positions, and you tell me who is shutting the government down. We have a straightforward, simple proposition: a 24-page funding resolution to keep the government open, with no partisan policy riders, no gimmicks, short term, which funds the government through November 21 to give us an opportunity to do the government funding the way we should do it, through the appropriations process, where we have the committees meeting and Republicans and Democrats contributing, and then bring it to the floor and have an open amendment process here. That is the way the government should normally be funded.

And so what this does is it provides a short-term extension in order for all that to happen. That is all that we are talking about.

They have other issues they want to bring up, which I have said before we are happy to discuss. And, yes, there are some things that I think there is interest on both sides in trying to address when it comes to healthcare in this country. But you can't take the Federal Government hostage and expect to have a reasonable conversation on those issues. The government needs to be funded. Federal employees need to go back to work. Federal Agencies and Departments need to be open and providing the services that the American people expect. It is that simple.

And that is really what this is all about—again, nothing more, nothing less, nothing else. It is whether or not they want to support a 24-page funding resolution that keeps the government open or continue to vote for \$1.5 trillion in new spending, free healthcare for noncitizens, and completely wiping out a \$50 billion rural hospital fund that is designed to support rural hospitals in this country—something that would get 47 votes here in the Senate and not a majority in the House of Representatives, and wouldn't get a single vote, honestly, among Republicans in the House of Representatives, and would not be signed into law by the President—versus something, again, passed by the House, here at the Senate.

All we need is five more votes. There are a majority of U.S. Senators today who support the short-term funding resolution, 55 out of 100. We need 5 Democrats.

You tell me who shut the government down.

And I think that the public is becoming wise to this debate and this argument and these fallacious arguments that are being made by the Democrats. In fact, there is a new Harvard-Harris poll that came out Monday that found that 70 percent of voters oppose a government shutdown—70 percent.

And of interest to my Democratic colleagues, 65 percent of voters, including 63 percent of Independents, think the Democrats should end the shutdown by accepting a continuing resolution like the clean funding resolution I just described that is in front of us.

So what are my Democrat colleagues doing? Well, after their resounding defeat in the Presidential election last November, you would think they might be paying attention to the strong majority of voters who would like the shutdown to end as well. You would think they might notice that 63 percent of Independents—voters I am sure Democrats would like to capture in the next election—want Democrats to accept a resolution like the clean CR in front of us. But you would be wrong, because Democrats are still deeply in thrall to the far left, and they are taking their marching orders for this shutdown from far-left interest groups. And I mean that literally.

A recent Axios article reported:

Progressive grassroots groups are blasting congressional Democrats on speed dial to “hold the line” in any negotiations to reopen the government.

Now, that followed an Axios report that found:

Senator Minority Leader CHUCK SCHUMER and his staff are closely coordinating their government shutdown strategy with outside liberal groups. . . . Backing down and helping fund the government, like Schumer did in March, is unacceptable, the groups have told his team.

Backing down and helping fund the government, like Schumer did in March, is unacceptable, the groups have told his team.

And so the liberal groups say “jump,” and Democrat leaders say, “How high?”

Forget the robust majority of Independents that want the Democrats to end this shutdown.

You know, back in the day—and by “back in the day” I mean as recently as 6 months ago—the Democrat leader was a pretty robust opponent of government shutdowns. Yes, he was an opponent—so much so that even though he didn’t like the continuing resolution we passed in the spring, he voted for it anyway because, in his words, “a government shutdown would be far worse.”

But then progressive groups got big-time mad, and now the Democrat leader is leading the charge to keep the government shut down—indeinitely, apparently—and all those Federal workers and hard-working Americans he was so worried about before seem to have slipped his mind.

In fact, Democrats have barely reacted to the fact that Federal workers are going to start missing pay.

When we realized we were going to need a continuing resolution to allow us more time to complete the fiscal year 2026 appropriations bills, Republicans wanted to do everything we could to ensure that there was no government shutdown, which is why we put forward a clean continuing resolution with no Republican policies or partisan policy riders.

We knew a shutdown would be costly and disruptive for hard-working Americans, and we were determined to ensure the Democrats had no reason—no reason—to oppose our CR. But Democrats weren’t deterred by the fact that there was nothing for them to object to in our bill, and they decided to oppose it anyway.

Now, Democrats will get another chance this week to vote to keep the government open. And I hope the Democrat leader and Democrat Senators can summon up some of that concern they used to have about shutdowns and vote to reopen the government.

At the very least, if the Democrat leader is too worried about his polling to vote to reopen himself, he could allow Democrat Senators who do care about the functioning of our government to join Republicans to reopen.

MEASURE PLACED ON THE CALENDAR—S. 2983

Mr. THUNE. Mr. President, I understand that there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 2983) to reauthorize the Cybersecurity Information Sharing Act of 2015.

Mr. THUNE. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceedings.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar.

The majority whip.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE BUREAU OF LAND MANAGEMENT RELATING TO “MILES CITY FIELD OFFICE RECORD OF DECISION AND APPROVED RESOURCE MANAGEMENT PLAN AMENDMENT”

GOVERNMENT FUNDING

Mr. BARRASSO. Mr. President, following up with what the majority leader just said, I have here the Washington Post from this morning, and they have an editorial. And what they have in bold print says:

Democratic leaders play a dangerous game. That is what the Democrats are doing.

We just heard the majority leader talk about what we are trying to do, what we are facing, how CHUCK SCHUMER is being held hostage by the liberal groups that set up the war room with him. And what we see is a dangerous game being played and threats to the American people.

This goes on to say:

There is a clean funding bill on the table.

This is the Washington Post, this morning.

There is a clean funding bill on the table. Only a handful of Senate Democrats need to vote for it.

The minority leader is leading the Democratic Party into a box canyon. You can’t get out, and it is a dangerous game. And it is not just dangerous for them; it is dangerous for the American people. That is where the danger lies.

So I come to the floor because the American people are facing an immediate crisis, and they know why. Anybody watching knows why. It is because Senate Democrats have now voted five times against a clean, bipartisan continuing resolution that would open the government today.

This is day 8 of the Schumer shutdown—day 8. The country is held hostage by the Democrats, and they are playing a dangerous game. This isn’t a game, but that is what the Democrats have turned it into.

So the question before us is simple: What have the Democrats accomplished during this dangerous game that they are playing? On October 10, on Friday, in 2 days, Border Patrol agents and other Federal workers will receive only half a paycheck. That is the result of the Democrats’ dangerous game. It will be their last paycheck until the Schumer shutdown ends and Democrats vote to reopen the government. They could do it today.

The House of Representatives passed a clean continuing resolution at current funding levels. Democrats voted 13 times under Joe Biden for a continuing resolution to keep the government funded.

A continuing resolution funds our military, pays for law enforcement, continues food assistance for moms and young children, and keeps small business loans flowing.

Thirteen times they voted for this. Now they reject it because they want to please their radical, extreme base—the base that has put up a war room that CHUCK SCHUMER has bowed down to. That is what we just heard from the majority leader—that they are the ones calling the shots—and that is why we find ourselves in this situation.

Democrats are demanding radical, new policies before they allow the government to reopen. I have seen their demand letter—\$1.5 trillion in new expenses, as the majority leader just outlined here on the floor. Their ransom note is filled with liberal policies. I look at it—it is stitched together like Frankenstein’s monster: \$1.5 trillion in reckless new spending; free healthcare for noncitizens; free Medicaid for working-age, able-bodied adults who refuse to work. There are over 5 million of these individuals in the United States, and yet they refuse to work. And the Democrats want them all to get free Medicaid.

Fifty billion dollars the Democrats want to cut from vulnerable rural hospitals, hospitals in rural communities. Do the Democrats not care at all about those communities even though there are rural communities in their States?