

Justice Department to go after his political enemies. This week, it is James Comey. Next week, it will be someone else, and the week after that, who knows? It is a long and growing list of enemies with the President tweeting out whom he wants prosecuted, whom he wants investigated—commanding, dictating vindictive prosecutions almost every day—abusing the Department that I once served in for almost 6 years in a way we have never seen before in this country. He is threatening to take people's liberty away from them if they stand up to the President.

Now we have this—what brings us to the floor tonight—and that is the unprecedented use of the military, the U.S. military, and our Guard against our own people.

You have the President telling a roomful of generals and admirals that there is an enemy within, and that enemy is the American people or at least those American people who didn't vote for him. They are the enemy within, and he is going to go after them. He wants the military to use those American cities that didn't vote for him as their training grounds. No sooner is it said than we see helicopters over the skies in Chicago, and we see military troops rappelling from Black Hawks. We see the military being used against their own citizens. We see children shackled, crying for their parents in the middle of the night. We see signs of horror and chaos.

We see a President so determined to use the military against our own people that, when a Governor says: No, you cannot use our National Guard in this lawless way, he commandeers the military anyway. California was the test case. We were the first. Los Angeles was the first. Over the objections of the mayor of Los Angeles and the objections of the Governor of California, the President of the United States commandeered California's National Guard to be used against our own people to increase the risk of violence and disorder so that the President might have a pretext to order in more military troops.

Now, in California, like in most States, we revere our National Guard for what they do for us during good times and hard times; how they protect us from fire and flood. So to abuse the Guard in that way, to try to breach the trust the Guard has with our own citizens, is a calamity. It is gravely damaging the morale of the troops in the Guard even as it is damaging the trust of the people of the State in their Guard.

Now we see this replicated in Portland—this militarization, this attack on American cities. We see this in court in Portland, wherein the judge, in hearing the government's case for the use and misuse of this military force, says that its presentation is untethered to fact—untethered to fact; that there is no lawful basis, no factual basis, to use the military in this way.

Now they are doing the same in Chicago, and they are threatening San

Francisco. And if they can't get a State's own National Guard to be used against its own citizens, they are now inviting the Guard from other States, like Texas, to leave their State, with a willing Governor, to send them to another State.

I was grateful to hear the Republican Governor of Oklahoma speak out against this terrible abuse of the National Guard, which not only undermines the military readiness of our forces to be abused in this way but is so deliberately divisive that we would have one State now turn against another State; that we would have Texas against Illinois and deploy Texas's military in that way—its Guard in that way—was previously unthinkable. It should be unthinkable today.

Today, it is California. Today, it is Illinois. Today, it is Oregon. Where will it be tomorrow? Where does this end? I will tell you where it ends. It ends in more civil strife. It ends in more morale problems in the military. It ends in a lesser democracy. If we are here in 9 months, where will we be with 4 years of this? I will tell you this: We will not be a democracy. At the pace we are going, in 4 years, we will not be a democracy.

But today, 9 months into this, it is not too late to put a stop to this. All that it would require is a handful of my colleagues on the other side of the aisle to say: Enough. Enough already. Enough of the attacks on our universities and our press. Enough of the attacks on our cities. Enough of the weaponization of our Department of Justice. Enough of the lawlessness. We are going to be Senators once again. We are going to assert the power of Congress once again to put an end, to put a stop to this lawlessness.

That is all it would take, is a few people of conscience to stand up to this President and say: Enough.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—S. 2296

Mr. THUNE. Mr. President, I ask unanimous consent that all en bloc amendments be considered to the Wicker-Reed substitute amendment No. 3748.

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

VOTE ON H.J. RES. 106

Mr. THUNE. Mr. President, I ask unanimous consent that all time be yielded back.

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

The clerk will read the title of the joint resolution for the third time.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. THUNE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from Arkansas (Mr. COTTON), the Senator from Texas (Mr. CRUZ), and the Senator from Kentucky (Mr. McCONNELL).

Mr. DURBIN. I announce that the Senator from Nevada (Ms. CORTEZ MASTO) is necessarily absent.

The result was announced—yeas 50, nays 46, as follows:

[Rollcall Vote No. 560 Leg.]

YEAS—50

Banks	Grassley	Mullin
Barrasso	Hagerty	Murkowski
Blackburn	Hawley	Paul
Boozman	Hoeben	Ricketts
Britt	Husted	Risch
Budd	Hyde-Smith	Rounds
Capito	Johnson	Schmitt
Cassidy	Justice	Scott (FL)
Collins	Kennedy	Scott (SC)
Cornyn	Lankford	Sheehy
Cramer	Lee	Sullivan
Crapo	Lummis	Thune
Curtis	Marshall	Tillis
Daines	McCormick	Tuberville
Ernst	Moody	Wicker
Fischer	Moran	Young
Graham	Moreno	

NAYS—46

Alsobrooks	Hirono	Sanders
Baldwin	Kaine	Schatz
Bennet	Kelly	Schiff
Blumenthal	Kim	Schumer
Blunt Rochester	King	Shaheen
Booker	Klobuchar	Slotkin
Cantwell	Lujan	Smith
Coons	Markey	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Fetterman	Murray	Warren
Gallago	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Hassan	Peters	Wyden
Heinrich	Reed	
Hickenlooper	Rosen	

NOT VOTING—4

Cortez Masto	Cruz	McConnell
Cotton		

The joint resolution (H.J. Res. 106) passed.

The PRESIDING OFFICER (Mr. MORENO). The majority leader.

Mr. THUNE. Mr. President, I ask that the Senate execute the order of October 8 in relation to the Mascott nomination. I ask unanimous consent that all subsequent votes be 10 minutes in duration, and I would advise our colleagues that we intend to enforce that.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the Mascott nomination, which the clerk will report.

The bill clerk read the nomination of Jennifer Lee Mascott, of Delaware, to be United States Circuit Judge for the Third Circuit.

NOMINATION OF JENNIFER LEE MASCOTT

Mr. DURBIN. Mr. President, today the Senate will vote to confirm Jennifer Lee Mascott, nominated to the U.S. Court of Appeals for the Third Circuit.

Ms. Mascott is a nominee who was selected for her loyalty to President Trump and her extreme view on expansive Presidential power, which she has advocated for many years.

At a Federalist Society event in 2018, she agreed with John Eastman, President Trump's disgraced and disbarred lawyer, in stating that any independence of independent Agencies is "too much." And just days before she joined the White House Counsel's Office, she stated that the Supreme Court should overrule *Humphrey's Executor*, the landmark 90-year precedent establishing the constitutionality of laws protecting the heads of independent Agencies from being fired. She claimed that "the President needs to be able to . . . get rid of folks who don't follow his instructions" at independent Agencies.

If Ms. Mascott's arguments carry the day, President Trump will be free to continue his holy war against bipartisan independent Agencies entrusted with protecting the rights and safety of Americans like the Federal Trade Commission and the Consumer Product Safety Commission. If he succeeds, something as important as consumer protection will be based on the whims of the political party in power, not the valued expertise of subject matter experts.

Just last year, Ms. Mascott told this committee that the Supreme Court's outrageous decision granting sweeping immunity to President Trump was "modest."

I am also troubled by Ms. Mascott's selection process for this Delaware seat. Nominees are required to provide details about how they were selected, but Ms. Mascott failed to provide the dates when she was interviewed by the White House Counsel's Office. Notably, the Delaware Senators suggested to the White House several well-qualified conservative jurists who had strong ties to the Delaware legal community. Ms. Mascott was selected although she has never lived in Delaware nor any State in the Third Circuit; she is not licensed to practice in Delaware; and she was only admitted to the Third Circuit this May.

For all these reasons, I urge my colleagues to oppose her nomination.

VOTE ON MASCOTT NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Mascott nomination?

Mr. ROUNDS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Sen-

ator from Arkansas (Mr. COTTON), and the Senator from Texas (Mr. CRUZ).

Mr. DURBIN. I announce that the Senator from Nevada (Mr. CORTEZ MASTO) is necessarily absent.

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 561 Ex.]

YEAS—50

Banks	Grassley	Moreno
Barrasso	Hagerty	Mullin
Blackburn	Hawley	Paul
Boozman	Hoeven	Ricketts
Britt	Husted	Risch
Budd	Hyde-Smith	Rounds
Capito	Johnson	Schmitt
Cassidy	Justice	Scott (FL)
Collins	Kennedy	Scott (SC)
Cornyn	Lankford	Sheehy
Cramer	Lee	Sullivan
Crapo	Lummis	Thune
Curtis	Marshall	Tillis
Daines	McConnell	Tuberville
Ernst	McCormick	Wicker
Fischer	Moody	Young
Graham	Moran	

NAYS—47

Alsobrooks	Hirono	Rosen
Baldwin	Kaine	Sanders
Bennet	Kelly	Schatz
Blumenthal	Kim	Schiff
Blunt Rochester	King	Schumer
Booker	Klobuchar	Shaheen
Cantwell	Lujan	Slotkin
Coons	Markey	Smith
Duckworth	Merkley	Van Hollen
Durbin	Murkowski	Warner
Fetterman	Murphy	Warnock
Gallego	Murray	Warren
Gillibrand	Ossoff	Welch
Hassan	Padilla	Whitehouse
Heinrich	Peters	Wyden
Hickenlooper	Reed	

NOT VOTING—3

Cortez Masto	Cotton	Cruz
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The nomination was confirmed.

The PRESIDING OFFICER (Mr. HUSTED). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The majority leader.

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2026

Mr. THUNE. I ask unanimous consent that the Senate resume legislative session and execute the order with respect to Calendar No. 115, S. 2296.

I would reiterate that last vote was a 10-minute vote that took 27 minutes. People should stay close to the floor. Ten-minute votes, OK? Ten-minute votes.

Thank you.

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

The Senator from Kentucky.

AMENDMENT NO. 3761 TO AMENDMENT NO. 3748

Mr. PAUL. Mr. President, I call up my amendment No. 3761 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 3761 to amendment No. 3748.

The amendment is as follows:

(Purpose: To prohibit earnings on balances maintained at a Federal Reserve bank by or on behalf of a depository institution)

At the appropriate place, insert the following:

SEC. _____. **PROHIBITION ON EARNINGS AND OVERNIGHT REVERSE REPURCHASE AGREEMENT FACILITIES.**

(a) EARNINGS.—Section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended by striking paragraph (12) and inserting the following:

"(12) EARNINGS ON BALANCES.—No Federal Reserve bank may pay earnings on balances maintained at a Federal Reserve bank by or on behalf of a depository institution."

(b) OVERNIGHT REVERSE REPURCHASE AGREEMENT FACILITIES.—Section 14(b)(2) of the Federal Reserve Act (12 U.S.C. 355(2)) is amended—

(1) by striking "(2) To" and inserting "(2)(A) Except as provided in subparagraph (B), to"; and

(2) by adding at the end the following:

"(B) No Federal reserve bank may participate in any overnight reverse repurchase agreement facility or enter into any reverse repurchase agreement."

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 180 days after the date of enactment of this Act.

Mr. PAUL. I ask unanimous consent that the debate be 4 minutes, equally divided.

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

Mr. PAUL. Mr. President, the Federal Reserve pays both foreign and domestic banks to simply park their money in Fed accounts—in other words, to not loan money at all.

Over the past 5 years, the Fed's big bank bailout amounts to over half a trillion dollars. This bailout causes the Fed to operate at a loss, which means the Fed cannot remit profits to the taxpayer as it normally does. According to the economist Judy Shelton, if these payments stopped, "banks would [buy] Treasury Securities," and it would bring interest rates down. Some people say that this program is a floor to interest rates.

My amendment ends these subsidies. Let's end the Fed's big bank bailout. Let's lower interest rates. Please vote for my amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, during the 2008 financial crisis and the \$700 billion bailout for giant banks, the Federal Reserve exploited another authority to shovel money out the back door and into the hands of those giant banks.

For the first time ever, the Fed started paying interest on overnight funds that big financial institutions deposit with the Fed. This was a dream come true for those financial giants—no risk and lots of free money printed by the Fed.

How much money? Seven hundred eighty-five billion dollars since 2008.

Some of that money could have been used to pay down the national debt or fund tax cuts or whatever Congress wanted. Instead, public money went