

like this—they have these antiquated computer systems. So any change in the benefit structure has to be reprogrammed into their computer systems and then loaded up onto the EBT cards.

Some States are going to be able to implement this half benefit within a few days. But there are several States with antiquated computer systems that are saying it could be weeks or even months.

I just want to make this point extremely clear: None of that is necessary. They are clearly feeling some amount of heat and urgency to end the shutdown. Usually, what you do if you are the President of the United States and you feel an urgent need to cut a deal is you try to get the people with whom you would need to make a deal into a room and begin a negotiation. But Trump really doesn't want to do that. He thinks we are evil. His senior adviser has called the Democratic Party a domestic terrorist organization or some such thing. So he is just like—I don't know if he is incapable or, at least so far, unwilling to do the basic blocking and tackling required by being a political leader at any level—county council, mayor, State legislature, Lieutenant Governor, House, Senate, whatever. You have to interact with people that you have disagreements with.

But he doesn't want to do that. His theory of change—Stephen Miller, Russ Vought, some of these folks—is we are just going to squeeze Democrats.

That would be like normal hardball politics, except for this. What they mean by “squeezing Democrats” is they mean threatening to shut down or throttle air traffic. What they mean by squeezing Democrats is canceling long-planned, long-approved projects that benefit everybody across the country. What they mean by squeezing Democrats, in this particular instance, is that 40 million people are going to not have enough to eat.

Look, I don't always want to be the partisan warrior. I like interacting with my Republican colleagues. I come from the State of Hawaii, where there is a decisive majority of Democrats. So one of the muscles I had to develop over the last 13 years was sort of how to interact with the other party and make arrangements, cut deals, compartmentalize the problems that I have with some of these folks on other issues and find common ground.

My appeal to my Republican colleagues is very simple: Can we just leave the kids harmless? Can we leave the hungry harmless? We are clearly in a disagreement about how the appropriations process and this Affordable Care Act subsidy question should be wrestled to the ground. My own view is like, let's just be adults and convene; and then wrangle and argue and shout at each other a little bit; and reconvene and then cut the deal. That is how the country is supposed to work. But separate and apart from that, can we please say that using hunger as a weapon

is out of bounds in the United States?

There is a long and pretty dark history, an evil history, of politicians—some popularly elected, some not elected—using food as a means of political control. I think that is not a road that we want to go down. I think we want to say that whatever else we are fighting about, if there are Americans who are hungry, then we should hold them harmless.

Just to be clear, there is no shortage of money in the United States of America. The stock market is booming. You have these AI data centers racking up \$100 and \$200 billion capital expenditure plans. There is enough money sloshing around in the public and the private sectors to pay for food. There really is.

If you are a regular person trying to put food on the table for your family, if you are trying to keep your health insurance premiums from more than doubling, if you are struggling to pay your bills to make ends meet because everything is getting more expensive, there is no money for you. But there is enough money for a golden toilet, and there is enough money for a \$173 million new aircraft for the Secretary of Homeland Security. And there is \$40 billion for the country of Argentina, to bail them out, which, coincidentally, is about the amount of money that it would cost to extend these Affordable Care Act tax credits.

So it is not a question that the economy is contracting and our debt is out of control and all the rest of it. This body just passed a \$1.5 trillion deficit increase in the form of a tax cut, where the benefits go, not exclusively but disproportionately, to wealthy individuals. It is not a question of there not being enough money. The problem is that they have decided that there is not enough money for you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

FEDERAL JUDICIARY

Mr. GRASSLEY. Mr. President, I come to the Senate floor today to express my concern about recent attacks on the legitimacy of the judicial branch of government.

A fair and neutral judiciary plays a very indispensable role in our constitutional structure. Judges wield enormous power, and their decisions determine the legal rights of the parties before them.

One especially potent power of the judiciary is the practice of judicial review. As we all know, the judiciary sometimes decides cases that impact the operation of laws passed by Congress or the actions of the executive branch. We accept this judicial review because neutral arbiters are necessary in a system based upon the rule of law, but this system only works if everyone accepts that the arbiters are, in fact, neutral. Litigants, the coequal branches of government, and the American people must be confident that judges are merely saying what the law

is and not what those judges wish the law to be.

Our judicial system also requires respect for appellate review. The Federal courts are hierarchal, and the rule of law depends on public confidence that lower courts will faithfully apply and respect the decisions of the higher courts. It is no surprise that some people are not always happy with how the courts exercise judicial power. Criticism is fair and sometimes warranted, but too often it has strayed into outright attacks on the judiciary as an institution.

Today, however, I am here to discuss attacks on the judiciary coming particularly from a concerning place that is within the judiciary itself. It is one thing for the political branches or the public to criticize the Supreme Court. It is entirely different for Federal judges themselves to undermine their own branch of government. In two high-profile instances in the last few months, numerous judges have anonymously gone, as you might expect, to the press to denigrate the Supreme Court. This ought to be deeply concerning not only to this Senator but to the public at large.

On September 4, 2025, NBC News published a report alleging that 12 Federal judges gave anonymous interviews, and 10 of them took that opportunity to criticize the Supreme Court.

One judge described the Supreme Court's conduct as “inexcusable.”

Another judge said the Supreme Court “is effectively assisting the Trump administration in ‘undermining the lower courts.’”

Then we have a big hit piece by the New York Times on October 11, 2025. That newspaper ran a story where they sought out judges specifically to criticize the Supreme Court. The Times approached 400 of the almost 1,500 Federal judges with questionnaires. The Times intentionally solicited judges in districts that litigants considered to be unfavorable to the current President. Of the 400 judges approached, thank God only a small percentage took the offer. I think this is an important point. Then we can draw the conclusion most Federal judges didn't take the bait of the New York Times because it violated the ethics of the judiciary. So only a small percentage did, but that is still a fabulous 65 judges responding to the Times' questionnaire. It happens that some responded with very harsh criticism. They then gave the Times the fodder that they needed to spin the narrative of a judiciary in crisis.

The Times wrote:

[F]ederal judges called the Supreme Court's emergency orders “mystical,” “overly blunt,” “incredibly demoralizing and troubling” and “a slap in the face to the district courts.”

One judge compared their district's current relationship with the Supreme Court to a “war zone.”

Another said the courts were in the midst of a “judicial crisis.”

I am deeply concerned—and I hope the public at large is—that these public

attacks on the Court from sitting Federal judges damage the public's faith and confidence in our judicial system. When judges call the legitimacy of their own branch of government into question, they erode the faith of the institution itself.

My colleague, the chairman of the Committee on the Judiciary in the House of Representatives, shares these concerns. Together, we sent a letter of concern to Chief Justice Roberts. We expressed our concern that the conduct of the judges, as reported, may violate the applicable ethical canons. We also asked whether the judicial branch will give guidance to Federal judges or even investigate this matter.

The document called the Code of Conduct for U.S. Judges is very clear that judges have an obligation to uphold public confidence in the judiciary. For example, canon 2 states:

[A judge] . . . should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

In 2024, Chief Judge Diaz of the Fourth Circuit applied the canon in resolving a judicial complaint against a judge for authoring an opinion piece lambasting a sitting Supreme Court Justice. He concluded that the judge in question violated the canons and "diminish[ed] the public confidence in the integrity and independence of the federal judiciary." Chief Judge Diaz's reasoning appears to apply with similar force to the recent anonymous attacks on the Court.

Anonymous public comments from sitting judges describing the relationship between the Supreme Court and lower courts as a "war zone" and otherwise attacking the legitimacy of the Supreme Court rulings undermine public confidence in the integrity and impartiality of the judiciary. In fact, it may violate the Code of Conduct.

Judges shouldn't mimic the infighting and rhetorical attacks that are so common among us in the political arena. This damages the public's faith in the judiciary.

The Supreme Court is a uniquely American institution that has played an important role since our Republic's founding. In contrast to the other branches—meaning the political branches of the Federal Government—the Supreme Court is meant to stand above the day-to-day squabbles of politics. And that is not just the Supreme Court, as I implied; that is every level of the judicial branch. For the most part, the Court does this remarkably well—speaking of the Supreme Court. We know this because neither Democrats nor Republicans are always happy with the decision of our highest Court. The Court is either too conservative or too liberal, depending on the day and whom you ask. But at the bottom, the job of the Court is not to please us or agree with us but to say what the law is.

In recent years, we have seen vicious attacks against the Court from a vari-

ety of directions, many aimed at weakening public confidence in this important institution. This is bad for all of us. So today, I am here to defend the integrity of the Supreme Court and to urge the judicial branch to address these attacks that are coming from within—mostly by district court judges—and the ones that reply to everything anonymously and really don't have the guts to stand up publicly with their criticism of the Supreme Court.

So here is my bottom line: I call on the Federal judiciary to give clear guidance to Federal judges on acceptable public commentary and to take seriously the public's perception and confidence in the courts.

I yield the floor.

Ms. ERNST. Mr. President, I ask unanimous consent to begin the next vote.

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

VOTE ON ORR NOMINATION

The question is, Will the Senate advise and consent to the Orr nomination?

Ms. ERNST. 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.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 607 Ex.]

YEAS—57

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

NAYS—43

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

The nomination was confirmed.

The PRESIDING OFFICER. 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 Senator from Louisiana.

LEGISLATIVE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent to resume legislative session.

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

GOVERNMENT FUNDING

Mr. KENNEDY. Mr. President, I am going to be uncharacteristically brief.

Tomorrow, I will be bringing two bills before the Senate. They both have to do with the shutdown and congressional pay.

The first bill is the No Shutdown Paychecks Act. The second bill is the Withhold Member Pay During Shutdowns Act.

The first bill would provide that, as long as we are shut down—and I will explain why in a moment—as long as we are shut down, no Member of Congress can be paid. And the money will not be—will not be—reimbursed at a later date or repaid at a later date.

The second bill, to address any 27th Amendment concerns, will say: During a shutdown, Members of Congress will not receive their pay, but their pay will be escrowed, and they will receive it after the government is opened back up.

Look, we are in day 36. Like the Presiding Officer, I have heard a lot of rumors about "we are that close to reaching an agreement." We have been "that close" for a week.

Frankly, I hope I am wrong in saying this, but I don't think we are really that close. I wish we were, and I hope we are. But I think we are going to be in this shutdown a while longer. That doesn't give me any joy to say that.

In the meantime, none of our staffs are being paid. No Federal employees are being paid. I got some numbers in this morning that Federal workers have had to borrow \$365 million so far during this 36-day shutdown in order just to pay their rent.

Our military is only being paid partially. Our air traffic controllers are not being paid.

People who receive SNAP payments are only being partially paid. I don't think anybody wants to see anybody go hungry in America. And that is not a partisan statement. I think that is a bipartisan statement.

There is precedent for this.

Some may say: Well, this violates the 27th Amendment.

I don't think it does. That is why I am offering two different flavors of bills.

But in 2013, President Obama did the same thing that I am doing now. They were in a shutdown, and President Obama supported legislation that said: If you don't open up government by this certain date, then you are going to lose your paychecks.

And guess what. Members of Congress had an epiphany, and they found religion. They had a Damascene moment, and they opened up the government. And that is all this bill would do.