

from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), the Senator from Massachusetts (Ms. WARREN), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER (Mr. CRUZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 4, as follows:

[Rollcall Vote No. 369 Ex.]

YEAS—86

Alexander	Fischer	Peters
Baldwin	Gardner	Portman
Barrasso	Graham	Reed
Blackburn	Grassley	Risch
Blumenthal	Hassan	Roberts
Blunt	Hawley	Romney
Boozman	Hirono	Rosen
Braun	Hoeven	Rubio
Brown	Hyde-Smith	Sasse
Burr	Inhofe	Schatz
Capito	Isakson	Schumer
Cardin	Johnson	Scott (FL)
Carper	Jones	Shaheen
Casey	Kaine	Shelby
Cassidy	Kennedy	Sinema
Collins	King	Smith
Coons	Lankford	Stabenow
Cornyn	Leahy	Sullivan
Cortez Masto	Lee	Tester
Cotton	Manchin	Thune
Cramer	McConnell	Tillis
Crapo	McSally	Toomey
Cruz	Menendez	Udall
Daines	Merkley	Van Hollen
Duckworth	Moran	Warner
Durbin	Murkowski	Wicker
Enzi	Murphy	Wyden
Ernst	Paul	Young
Feinstein	Perdue	

NAYS—4

Cantwell

Markey

Heinrich

Murray

NOT VOTING—10

Bennet	Klobuchar	Warren
Booker	Rounds	Whitehouse
Gillibrand	Sanders	
Harris	Scott (SC)	

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.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of John L. Sinatra, Jr., of New York, to be United States District Judge for the Western District of New York.

Mitch McConnell, John Boozman, John Cornyn, Mike Crapo, Pat Roberts, Mike Rounds, Thom Tillis, Roger F. Wicker, Cindy Hyde-Smith, Kevin Cramer, John Hoeven, Rob Portman, Dan Sullivan, Chuck Grassley, Richard Burr, John Thune, Roy Blunt.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of John L. Sinatra, Jr., of New York, to be United States District Judge for the Western District of New York, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), the Senator from Massachusetts (Ms. WARREN), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote or change their vote?

The yeas and nays resulted—yeas 76, nays 16, as follows:

[Rollcall Vote No. 370 Ex.]

YEAS—76

Alexander	Fischer	Peters
Baldwin	Gardner	Portman
Barrasso	Graham	Reed
Blackburn	Grassley	Risch
Blumenthal	Hassan	Roberts
Blunt	Hawley	Romney
Boozman	Hirono	Rosen
Braun	Hyde-Smith	Rubio
Brown	Inhofe	Sasse
Burr	Isakson	Schumer
Capito	Johnson	Scott (FL)
Cardin	Jones	Shelby
Carper	Kaine	Sinema
Casey	Kennedy	Smith
Cassidy	King	Stabenow
Collins	Lankford	Tester
Coons	Leahy	Thune
Cornyn	Lee	Tillis
Cortez Masto	Manchin	Toomey
Cotton	McConnell	Udall
Cramer	McSally	Van Hollen
Crapo	Moran	Warner
Cruz	Murkowski	Wicker
Daines	Murphy	Wyden
Duckworth	Paul	Young
Durbin	Perdue	

NAYS—4

The question is, Is it the sense of the Senate that debate on the nomination of John L. Sinatra, Jr., of New York, to be United States District Judge for the Western District of New York, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), the Senator from Massachusetts (Ms. WARREN), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote or change their vote?

The yeas and nays resulted—yeas 76, nays 16, as follows:

[Rollcall Vote No. 370 Ex.]

YEAS—76

I further ask unanimous consent that the mandatory quorum call with respect to the Duncan nomination be waived and that the cloture votes on Executive Calendar Nos. 479, 489, and 386 occur at 11:30 a.m. on Wednesday, December 4, and that if cloture is invoked, the confirmation votes occur at a time to be determined by the majority leader in consultation with the Democratic leader on Thursday, December 5.

I further ask unanimous consent that, with respect to all the votes ordered in this agreement, if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

Mr. WICKER. Mr. President, I ask unanimous consent that Senator FEINSTEIN be allowed to speak for up to 10 minutes prior to the scheduled recess.

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

The Senator from California.

#### NOMINATION OF SARAH E. PITLYK

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to the nomination of Sarah Pitlyk to the United States District Court for the Eastern District of Missouri. Ms. Pitlyk's record is extremely troubling and raises a number of questions about her ability to be a fair and impartial judge.

Ms. Pitlyk was deemed by the American Bar Association to be Not Qualified, one of only 3 percent of people reviewed by the Bar over the past 3 years. This is the first that I have had occasion to review in total. A district court judge, as you well know, must hit the ground running. Ms. Pitlyk's lack of practical knowledge and experience would significantly disadvantage the litigants appearing before her.

I also want to acknowledge the highly unusual nature of a "Not Qualified" rating by the Bar; 97 percent of President Trump's nominees have been rated at least "Qualified" by the American Bar Association. This means that Ms. Pitlyk falls in the small minority—just 3 percent—of candidates deemed not qualified by the American Bar Association. This shows how rare that rating is. The ABA has been reviewing the qualifications, as you already know, of judicial nominees since 1989. They know what they are doing, and those of us on the committee take their evaluations very seriously.

Blumenthal	Hirono	Smith
Brown	Markey	Udall
Cantwell	Menendez	Van Hollen
Duckworth	Merkley	Wyden
Durbin	Murray	
Heinrich	Schatz	

NOT VOTING—8

Booker	Klobuchar	Warren
Gillibrand	Rounds	Whitehouse
Harris	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 76, the nays are 16.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The Clerk will report the nomination.

The senior assistant legislative clerk read the nomination of John L. Sinatra, Jr., of New York, to be United States District Judge for the Western District of New York.

#### ORDER OF PROCEDURE

Mr. WICKER. Mr. President, I ask unanimous consent that following the

Next, I want to discuss Ms. Pitlyk's record opposing women's reproductive rights and limiting access to healthcare. Ms. Pitlyk defended a State law banning abortion at 6 weeks, she opposed the Affordable Care Act's coverage for contraception, and she defended President Trump's Title X gag rule.

The Trump administration's Title X gag rule prohibits referrals for abortion care and imposes onerous requirements on abortion clinics, among other things. The rule effectively pushed Planned Parenthood out of the Title X program, curtailing access to healthcare for millions of low-income women and families.

Ms. Pitlyk has also filed multiple legal briefs that contain misinformation. Last year, she argued without any credible evidence that "racism plays a profound role in the delivery of abortion services."

In another case, Ms. Pitlyk claimed—again without evidence—that in-vitro fertilization leads to "higher rates of birth defects, genetic disorders, and other anomalies."

I think it is disqualifying for any judicial nominee to make unfounded and unsupported claims, especially in a court of law.

Ms. Pitlyk has also made statements in her personal capacity opposing access to healthcare. Just last year, she called the Supreme Court's decision upholding the Affordable Care Act "unprincipled." Earlier this year, she said that the Supreme Court's reproductive healthcare cases have "gross defects."

These statements and Ms. Pitlyk's legal work raise serious concerns about her ability to apply the Supreme Court's important precedents fairly and impartially. I am deeply troubled by her record, her lack of experience, and I urge my colleagues to join me in opposing her nomination.

Mr. President, I ask unanimous consent that an article from Politico and a letter from the American Bar Association dated September 24, 2019, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the POLITICO, Nov. 19, 2019]

SUSAN COLLINS TO OPPOSE TRUMP JUDICIAL NOMINEE

(By Marianne Levine)

Sen. Susan Collins will oppose Sarah Pitlyk, President Donald Trump's nominee to become a federal judge for the Eastern District of Missouri.

In a statement to POLITICO, the Maine Republican voiced concern about Pitlyk's lack of trial experience, as well as her stance on abortion given previous comments on gestational surrogacy and past legal work.

"Her lack of trial experience would make it difficult for her to transition to a district court judgeship," Collins said.

She also cited Pitlyk's comments in a brief she co-wrote in 2017 as a lawyer for the Thomas More Society, an anti-abortion law firm. The brief stated surrogacy leads to the "diminished respect for motherhood and the unique mother-child bond; exploitation of

women; commodification of gestation and of children themselves; and weakening of appropriate social mores against eugenic abortion."

Collins said Pitlyk is entitled to her personal views on abortion, but she questioned "given her pattern of strident advocacy, whether she could put aside her personal views on these matters."

The Senate Judiciary Committee approved Pitlyk's nomination along party lines in October, and a floor vote is likely in the coming weeks.

While Collins supported Brett Kavanaugh's confirmation to the Supreme Court, she has voted against several Trump judicial nominees this year.

In addition to Pitlyk, Collins opposed Steven Menashi's nomination to the 2nd U.S. Circuit Court of Appeals, Chad Readler's nomination to the 6th Circuit, Howard Nielson for the District of Utah, Matthew Kacsmaryk for the Northern District of Texas and Jeffrey Brown for the Southern District of Texas.

All of those judges were confirmed by the GOP-controlled Senate.

AMERICAN BAR ASSOCIATION, STANDING COMMITTEE ON THE FEDERAL JUDICIARY,

*Columbia, SC, September 24, 2019.*

Re Nomination of Sarah E. Pitlyk to the United States District Court for the Eastern District of Missouri.

Hon. LINDSEY GRAHAM,  
*Chairman, Committee on the Judiciary,*  
*U.S. Senate, Washington, DC.*

Hon. DIANNE FEINSTEIN,  
*Ranking Member, Committee on the Judiciary,*  
*U.S. Senate, Washington, DC.*

DEAR CHAIRMAN GRAHAM AND RANKING MEMBER FEINSTEIN: The ABA Standing Committee on the Federal Judiciary has received a full report on Sarah E. Pitlyk and a supplemental report by a second reviewer. The Committee has unanimously determined that Ms. Pitlyk is "Not Qualified" for the position of federal district judge. I write to offer a brief explanation of this rating. Our rating is based on the Standing Committee's criteria as set forth in the Backgrounder. The Standing Committee believes that Ms. Pitlyk does not have the requisite trial or litigation experience or its equivalent. I would like to point out that based on its peer review, the Standing Committee's rating does not rest on questions about Ms. Pitlyk's temperament or integrity.

The Backgrounder that provides guidance to our evaluation process explains that a nominee to the federal bench ordinarily should have a minimum of 12 years' experience in the practice of law. This 12-year experience guideline is neither a hard-and-fast rule nor an automatic disqualifier. The Standing Committee's criteria provide that a nominee's limited experience may be offset by the breadth and depth of the nominee's experience over the course of his or her career. Nominees with fewer than 12 years at the bar (as is the case with Ms. Pitlyk, both due to the calendar and periods of inactive status), but with substantial trial or courtroom experience and/or compensating accomplishments in the field of law, can and have been found qualified by our Committee. However, Ms. Pitlyk's experience to date has a very substantial gap, namely the absence of any trial or even real litigation experience. Ms. Pitlyk has never tried a case as lead or co-counsel, whether civil or criminal. She has never examined a witness. Though Ms. Pitlyk has argued one case in a court of appeals, she has not taken a deposition. She has not argued any motion in a state or federal trial court. She has never picked a jury.

She has never participated at any stage of a criminal matter.

The Standing Committee believes that a nominee should be professionally competent to manage and resolve the many diverse matters facing a federal judge on a daily basis. The accumulation of experience and legal knowledge that is acquired by a practicing lawyer both inside and outside of the courtroom prepares a lawyer over time to handle a broad spectrum of legal issues in a wide variety of subject matters and to manage a courtroom over which he or she will preside as a judge. The judicial system, the public, the trial bar, and the nominee are not well served by appointing to the bench a lawyer who, despite great intelligence, high character, and experience researching and writing briefs, lacks adequate trial court or equivalent experience.

While we respect the clerkship for which the nominee served after graduation from law school, her legal practice to date does not compensate for the short time the nominee has actually practiced law and her lack of litigation, trial, and courtroom experience. It is the Standing Committee's judgment that Ms. Pitlyk does not meet the minimum professional competence standard necessary to perform the responsibilities required by the high office of a federal district court judge.

Thank you for the opportunity to explain our rating to you.

Very truly yours,

WILLIAM C. HUBBARD.

Mrs. FEINSTEIN. Mr. President, I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:56 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

## EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I ask unanimous consent to address the Senate.

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

## FAREWELL TO THE SENATE

Mr. ISAKSON. Madam President, it is an honor to be here today on what is not my last day, but everybody is acting like it.

A few months ago, I had to announce that after much consideration, to be able to continue to serve the people of Georgia as best I could in any way possible and also to keep true to the commitments I made in every race I have ever won, that when I knew I couldn't do the job, I was going to quit and let somebody do it who wouldn't be hampered. I am not hampered yet—I am pretty tough—but it is getting close. So in August, I decided to tell my wife about it, and we decided to go ahead and retire at the end of December, which I have announced and said I was going to do. The Governor of Georgia is making an appointment to take my place.