

work remains to be done, is a waste of time, and it is an opportunity lost.

So let me just put this in greater context. It is not for the lack of effort on behalf of Senate committees. Both the Senate Appropriations Committee and the Senate Armed Services Committee have done their work in a bipartisan manner. On appropriations, Chair MURRAY and Vice Chair COLLINS have made serious progress on the appropriations bills. Virtually all of them have passed out of the Appropriations Committee with either unanimous support or strong bipartisan support.

The majority leader could have put those bills on the floor last July, not 9 days before a government shutdown, but he chose not to do it. So he points the finger of blame at our colleagues in the House of Representatives, who are trying to figure this out, but this is a wholly man-made disaster in the making, and it could have been avoided. We could have been voting on funding bills months ago instead of days, weeks, and months creeping by without even an inch of progress. These are bills like the National Defense Authorization bill, for example, that pay our service-members and ensure that government operations, big and small, continue day-to-day.

I would say that the work done by our Senate committees on a bipartisan basis is not necessarily easy work. It takes a lot of time and consideration by our colleagues on the Appropriations and Armed Services Committees. But the majority leader has sabotaged this productive bipartisan work by imposing a part-time work schedule on the Senate. It doesn't give us much room to maneuver or much time to actually debate, vote on, and pass legislation. Of course, when the Senate is in recess, which we have just come off of for about 6 weeks, committees can't meet, and it makes it difficult, if not impossible, to solve the biggest problems facing our country, of which there are many.

There is also this newfound phenomenon under the majority leader's schedule called recess Mondays. This means the Senate doesn't even come back to Washington until Tuesday, and then we are gone Thursday afternoon. It is hard to get real work done working part time. How on Earth are members of the various committees and subcommittees supposed to debate, amend, and advance 12 funding bills when the Senate is only working 2½ days a week? With this type of schedule, there just simply are not enough hours for our colleagues to complete the mountain of work ahead of them.

Our current posture shows the folly of this approach. Including today, we are only scheduled to be in session 9 days before adjourning for October, the entire month of October, just after coming off of a 6-week break.

Again, Chairman MURRAY and Vice Chair COLLINS have both said repeatedly that they want us to return to the normal appropriations process, not this

contrived narrative of an imminent government shutdown, with all that that would entail.

I want to say, I appreciate the good work that has been done by our colleagues on the Armed Services Committee and on the Appropriations Committee. Again, this is not easy. These are huge, important, and challenging issues that they have debated and voted on and produced bills that now await the majority leader scheduling them on the Senate floor. But because of the leader's inability or, rather, unwillingness to plan, we may end up kicking the can down the road in the form of a continuing resolution.

For those listening, a continuing resolution just means the status quo. It means just moving the deadline further down the road. We will still have to deal with these issues again—perhaps in December, perhaps in March, depending on how long the continuing resolution is.

But it is somewhat embarrassing to be a Member of the world's greatest deliberative body and to find ourselves in this situation once again. Again, this isn't a surprise. This isn't something that just popped up. We know what the deadline is, and we know we should have been doing our work a lot earlier.

There is no question that stopgap bills are better than a shutdown but just barely. It isn't a perfect solution, especially for critical missions like national defense.

As the Presiding Officer knows, during continuing resolutions, the Pentagon can't engage in any new starts, and basically they can't plan beyond the timeframe of the continuing resolution. Yet we know that there are wars raging in Ukraine, in the Middle East, and threats in the Indo-Pacific and in places like North Korea.

This is the most dangerous environment that our country has seen since World War II. Don't you think we would want to be able to fund the government on a timely basis so that the Pentagon can plan, so they don't have to worry about government shutdowns? Don't you think we would take up the National Defense Authorization bill that, again, passed out of committee months ago and has been available for floor action? This is the most basic function of the Senate when it comes to national defense, is passing the National Defense Authorization bill, but we are not going to do it because there simply isn't time.

I appreciate our colleagues in the House trying to figure out how to handle this under difficult circumstances—again, completely unnecessary—but I think we all understand that government shutdowns are not in anybody's best interest. We know that the problem that caused the shutdown is still going to be there staring us in the face when the government reopens, and the truth is, it is a whole lot more expensive and a whole lot more disruptive than it needs to be.

The bottom line is this: We have a duty and responsibility to pass full-

year, on-time appropriations bills. That is the bare minimum of governing. Short-term funding bills don't allow for long-term planning or stability when it comes to important functions like national defense or any other aspect of the Federal Government.

It is unfortunate that we are in this situation because the majority leader, who is the only person who can schedule action on the floor, has given us so few session days in which to consider these critical bills.

Strengthening defense, funding the government, and safeguarding our supply of food and fiber—these are essential to the welfare of our Nation.

The way the Senate has been run under the current management is no way to treat its most basic responsibilities. I can only hope that come November, there will be a new management elected by the American people because they don't have to put up with the status quo; they can change it. That is one of the great things about democracy. Democracies are capable of course correction. When they don't like the direction you are heading in, they can change it, and they could do that at the ballot box starting on November 5.

I yield the floor.

THE PRESIDING OFFICER. The majority leader.

LEGISLATIVE SESSION

Mr. SCHUMER. Mr. President, I move to proceed to legislative session.

THE PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 778.

THE PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

THE PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Mary Kathleen Costello, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

CLOTURE MOTION

Mr. SCHUMER. Mr. President, I send a cloture motion to the desk.

THE PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 Executive Calendar No. 778, Mary

Kathleen Costello, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Charles E. Schumer, Richard J. Durbin, Sheldon Whitehouse, Laphonza R. Butler, Benjamin L. Cardin, Mazie Hirono, Chris Van Hollen, Ben Ray Lujan, Brian Schatz, Thomas R. Carper, Margaret Wood Hassan, Christopher Murphy, Tammy Duckworth, Tina Smith, Jack Reed, Patty Murray, Amy Klobuchar.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum call for the cloture motion filed today, September 12, be waived.

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

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The majority leader.

IVF

Mr. SCHUMER. Mr. President, from the moment the MAGA Supreme Court reversed Roe, as Donald Trump promised they would, many of us warned that the hard right would not stop there in eliminating reproductive freedoms. Over the past few months, we have seen how IVF has become the hard right's next target.

A few months ago, the Alabama Supreme Court jeopardized access to IVF within their State, causing millions of women and couples to fear that even their freedom to start a family was now in danger.

So, in June, Democrats brought forward legislation to ensure IVF access would never be at risk and expand insurance coverage for this treatment, but almost every single Senate Republican voted against this vital legislation to have access to IVF.

Republicans can't claim to be pro-family only to block protections for IVF. The American people deserve another chance to see if Republicans are for access to IVF or against it; it is that simple. So next week, Mr. President, the Senate will vote once again to take up the very same bill we voted on earlier this summer, establishing a nationwide right to IVF and making it easier for people to access this critical treatment. Our bill should have passed in June, and it is more than good enough to pass now.

So let me say it again: Republicans can't claim to be pro-family on one hand only to block pro-family policies like Federal protections for IVF and the child tax credit. But that is what they did this summer, and I hope we get a different outcome when we vote for a second time.

The American people will be watching.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PETERS). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF KEVIN GAFFORD RITZ

Mrs. BLACKBURN. Mr. President, it is really so unfortunate and really quite sad that I have to come to the floor today and speak because, today, the Senate Democrat leadership is moving forward with a vote that undermines the longstanding bipartisan traditions that this institution relies upon to serve the American people and, indeed, for each of us to be able to serve the citizens of our State.

In just a few moments, the Democrat leadership is going to move forward with a cloture vote on a judicial nominee, Kevin Ritz, whose home State Senators, which are Senator HAGERTY and me, were not properly consulted by the White House during his nomination process.

The consultation process between home State Senators and the White House on judicial nominees is essential to ensuring that a nominee is well suited to serve on the Federal bench. It is a part of our duty to provide advice and consent.

Of course, Senator HAGERTY and I attempted to work in good faith with the Biden-Harris administration to identify highly qualified nominees to fill the vacancy—the Tennessee vacancy—on the Sixth Circuit. We presented well-qualified nominees.

Yet, contrary to bipartisan precedent, the White House barely even worked with us. Apparently, what became quite evident was this White House—the Biden-Harris administration—preferred backroom deals to open deliberation.

This administration prefers a backroom deal to hearing the voice of the people from a State. This administration prefers backroom deals as opposed to considering nominees who have chosen to step forward and go through a nomination process with full transparency.

To be sure, this vote is all the more shameful because Mr. Ritz is deeply unsuited to serve on the Federal bench. That is not just something that I say; these are comments that have come to us from dozens—dozens—of Tennesseans.

In our country, every individual accused of a crime is entitled to due process of law. That is a bedrock principle of our justice system. Yet, as a Federal prosecutor and U.S. attorney for the Western District of Tennessee, Mr. Ritz has repeatedly flouted basic professional ethics.

Mr. Ritz, for example, has been accused of using highly unethical bait-and-switch tactics to trick indigent criminal defendants into accepting plea deals that they didn't agree to. And when defense attorneys pushed back on him, Mr. Ritz has been accused of making outright false statements to the court to cover up his misdeeds.

Indeed, Mr. Ritz has chosen to surround himself with those who seemingly treat their ethical obligations

with disdain. Mr. Ritz's deputy, for example, received a 1-year probation for prosecutorial misconduct.

To be clear, Mr. Ritz's record of unethical conduct is not my only objection to his nomination. There are Tennesseans who, for these same reasons, have come to us to object to his nomination.

Now, under his watch, as the chief Federal law enforcement officer, the city of Memphis has tragically become one of the most dangerous places to live in the United States.

In 2023, Memphis had the most homicides in its history and continues to lead the Nation in homicide rates this year. Now, there is a reason for this, and I think it is a reason that this Chamber needs to hear.

And it is not a reason that is supposition. It is a reason that is grounded in statistics and fact. And it is a reason that citizens in Tennessee, in Shelby County, in the Western District have raised to us, because they are concerned about crime; they are concerned about what is happening in their communities; they are concerned about juvenile crime and the rates that are there.

Now, here is their reason, and this is instructive to the Chamber as we consider this vote. As I said, Memphis has become one of the most dangerous places to live in the United States of America. In 2023, Memphis had the most homicides in its history and continues to lead the Nation in homicide rates this year.

And here comes your reason: Under Mr. Ritz's predecessor, the U.S. attorney's office in Memphis had a policy of charging 100 percent of prosecutable gun crimes. They charged them all. Yet, under his watch, Mr. Ritz has failed to uphold that prosecutorial standard which helped keep Memphians safe and helped keep dangerous people locked up behind bars.

And here is an example for you: Mr. Ritz's office failed to charge an individual with unlawful possession of a firearm, so this guy gets out and he goes on and he murders a Memphis police officer.

So when we hear about violent crime and the people we represent and we love are saying "do something about violent crime," they want these criminals locked up.

But if you are not going to charge them with prosecutable gun crimes, they are not going to be locked up, and they are going to do like this criminal in Memphis and they are going to go out and they are going to murder.

And the unfortunate thing is, in Memphis, they murdered a Memphis police officer. No one deserves a promotion—especially to one of the highest courts in the country—a lifetime appointment with a track record like Mr. Ritz.

Just because the White House wants to ignore this fact doesn't mean that the Senate should ignore this fact. Listen to the voices of Tennesseans who