

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

have reached out to us and who have said to us: He does not deserve this seat.

I would urge all of my colleagues to oppose this reckless, unqualified nominee.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. CAPITO. I would ask that we proceed with the rollcall vote.

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

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 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. 649, Kevin Gafford Ritz, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

Charles E. Schumer, Richard J. Durbin, Debbie Stabenow, John W. Hickenlooper, Sheldon Whitehouse, Tina Smith, Alex Padilla, Tammy Baldwin, Tammy Duckworth, Christopher Murphy, Patty Murray, Jack Reed, Angus S. King, Jr., Gary C. Peters, Peter Welch, Margaret Wood Hassan, Brian Schatz.

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 Kevin Gafford Ritz, of Tennessee, to be United States Circuit Judge for the Sixth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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

Mr. THUNE. The following Senators are necessarily absent: the Senator from Montana (Mr. DAINES), the Senator from Iowa (Ms. ERNST), the Senator from Louisiana (Mr. KENNEDY), the Senator from Kansas (Mr. MARSHALL), the Senator from Kansas (Mr. MORAN), the Senator from South Dakota (Mr. ROUNDS), the Senator from Ohio (Mr. VANCE), and the Senator from Mississippi (Mr. WICKER).

The yeas and nays resulted—yeas 49, nays 42, as follows:

[Rollcall Vote No. 239 Ex.]

YEAS—49

Baldwin	Heinrich	Reed
Bennet	Helmy	Sanders
Blumenthal	Hickenlooper	Schatz
Booker	Hirono	Schumer
Brown	Kaine	Shaheen
Butler	Kelly	Smith
Cantwell	King	Stabenow
Cardin	Klobuchar	Tester
Carper	Lujan	Van Hollen
Casey	Manchin	Warner
Coons	Markey	Warnock
Cortez Masto	Merkley	Warren
Duckworth	Murphy	Welch
Durbin	Murray	Whitehouse
Fetterman	Ossoff	Wyden
Gillibrand	Padilla	
Hassan	Peters	

NAYS—42

Barrasso	Fischer	Paul
Blackburn	Graham	Ricketts
Boozman	Grassley	Risch
Braun	Hagerty	Romney
Britt	Hawley	Rubio
Budd	Hoeven	Schmitt
Capito	Hyde-Smith	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Lankford	Sinema
Cornyn	Lee	Sullivan
Cotton	Lummis	Thune
Cramer	McConnell	Tillis
Crapo	Mullin	Tuberville
Cruz	Murkowski	Young

NOT VOTING—9

Daines	Marshall	Rounds
Ernst	Moran	Vance
Kennedy	Rosen	Wicker

The PRESIDING OFFICER (Ms. BUTLER). On this vote, the yeas are 49, the nays are 42.

The motion is agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

BORDER SECURITY

Mr. LANKFORD. Madam President, I ended up being a topic of conversation for the past month and a half or so in a lot of political conversations about immigration and the border. So I want to be able to come to this body and to say the immigration issues are still unresolved, but there has been a lot of re-writing of what actually has happened in the past year and all the negotiations.

Vice President HARRIS made a comment publicly just a few weeks ago, when she said:

Let me be clear. After decades in law enforcement, I know the importance of safety and security, especially at our border. Last year, Joe and I brought together Democrats and conservative Republicans to write the strongest border bill in decades.

I mean no disrespect to the Vice President, but we had 4 months of negotiations. She neither initiated those negotiations nor participated in a single second of those negotiations—not one second.

The Vice President's staff was never involved in any of the negotiations. The negotiations took 4 months because the people that sat down at the table all determined: We are in a very bad place. We need to resolve the chaos that is happening at our southern border.

For the first 6 weeks of those negotiations, the White House refused to participate at all in the negotiation—either from the President's staff, the President, or the Vice President or

Vice President's staff. So for the first 6 weeks of the 4 months of negotiations, the White House didn't want to discuss it. After 6 weeks, the White House then got involved in the negotiations. So it was three Senators and the White House to be able to walk through that.

Then, again for the next 3 months of our negotiations, it was a constant fight to get anything agreed to to secure our southern border. What we came up with and was the final agreement wasn't everything that I wanted, but it was enough to, at least, begin to make a change in what was happening at our southern border.

It was a pretty straightforward process. Asylum is very difficult to achieve. Only about 3 percent of the people that actually go through the hearings actually achieve asylum, but you don't find out that until usually 6 or 8 years after you have already been and have already gone through this long process.

So now we have thousands of people crossing our border asking for asylum, not because they believe they qualify but because they know they will stay here somewhere between 6 and 10 years while they wait for the hearing. And they, at least, get a decade in America, and then many of them then disappear.

So what we could get to agreement was, when you cross the border, you would cross the border—first person each day, they would have a much faster screening than would take hours or days, and they would be screened at the standard that was at the end. So instead of waiting 6 or 8 years or 10 years to get that final decision, you would get it rapidly.

So the first person that would cross each day would cross, would be quickly screened under a brandnew process, and then 97 percent of them would be deported immediately because they don't qualify for asylum, and everyone knows the joke. So first day, first person: You cross, quickly screened under a new process, deported immediately.

But if we got 5,000 people crossing, we don't have enough staff to screen that many people, so we created a border emergency authority that if you cross the border and you have got 5,000 people flooding the border and we don't have the staffing to do it, no one gets screened; you just get arrested and deported. So first person: cross, screened, deported. If we are overwhelmed by the cartels with high numbers, you just are deported immediately, and no one is screened. That is what we could finally come up with as an agreement.

Now, I have to tell you, I felt like that would dramatically slow the flow at our southern border and it would deal with the core issue that is the abuse of asylum. But there were a lot of issues I couldn't get agreement on that, quite frankly, many of my colleagues on the Republican side were very frustrated that we couldn't make progress on, some of those very commonsense things; for instance, if you are going to request asylum, you have to request asylum at a port of entry.