

Will a small business owner or farmer be subject to more audits if his revenue exceeds \$400,000 even if his profit is much less than that? Will a married couple with a household income of \$400,000 face the same audit rate as a single person with the same income?

For months on the Senate Finance Committee, I pressed Commissioner Werfel and other Biden-Harris officials for answers, but time and again, they have failed to provide satisfactory explanations.

While disturbing, this lack of clarity should come as no surprise. The IG report found that the IRS has failed to define “small business” under the directive and develop a methodology for enforcing the \$400,000 threshold, all while lacking basic documentation and transparency about its audit plan—there again, no plan.

In short, the Biden-Harris IRS is preparing to shake down Main Street, all while claiming to focus on tax cheats and millionaires and billionaires.

No doubt, the IRS audit plan is just the latest example of this administration’s disastrous tax-and-spend agenda, which has seen our national debt increase by more than \$7 trillion while pushing up prices across the board by 20 percent in less than 4 years. That is right. The current inflation rate from the time Joe Biden took office until today is actually 20.3 percent.

Unfortunately, this administration has forgotten a simple fact: Hard-working Tennesseans and Americans do best when they have more money in their pocketbooks, not less. With its reckless audit plan, the Biden-Harris IRS is doing its best to ensure that they take more money out of your pocket.

I yield the floor.

NOMINATION OF KEVIN GAFFORD RITZ

Mr. DURBIN. Madam President, today, the Senate will vote to confirm Kevin Ritz to the U.S. Court of Appeals for the Sixth Circuit.

Mr. Ritz grew up in Memphis and received his B.A., Phi Beta Kappa, from the University of Virginia, his M.S. from the Georgetown University School of Foreign Service, and his J.D. from the University of Virginia School of Law. After law school, he served as a law clerk to Judge Julia Smith Gibbons on the U.S. Court of Appeals for the Sixth Circuit in Memphis.

Mr. Ritz then went to work as an assistant U.S. attorney in the U.S. Attorney’s Office for the Western District of Tennessee in Memphis, serving as criminal appellate chief, special counsel to the U.S. attorney, and appellate chief. Mr. Ritz has tried 11 cases to verdict, including 10 jury trials. While serving as appellate chief, he personally wrote more than 200 briefs and argued 37 Federal appeals.

Since September 2022, Mr. Ritz has served as the U.S. Attorney for the Western District of Tennessee. The Senate confirmed him to that role by voice vote. Notably, both of his home State Senators—Mrs. BLACKBURN and Mr. HAGERTY—returned positive blue

slips on his U.S. attorney nomination. In his role as U.S. attorney, Mr. Ritz serves as the chief Federal law enforcement officer for the district and oversees an office of attorneys who engage in defensive and affirmative civil work, appellate work, and criminal work.

The American Bar Association unanimously rated Mr. Ritz as “well qualified” to serve on the bench. He has deep ties to Tennessee, and his significant litigation background and extensive experience in Federal court will serve him well on the Sixth Circuit.

Mr. Ritz has dedicated his entire legal career to public service. I look forward to his continued service as a circuit judge, and I urge my colleagues to join me in supporting his nomination.

The PRESIDING OFFICER. The Senator from Tennessee.

Mrs. BLACKBURN. Madam President, I ask that the vote scheduled for 5:30 begin immediately.

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

VOTE ON RITZ NOMINATION

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

Mrs. BLACKBURN. Madam President, 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 executive clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. FETTERMAN) and the Senator from West Virginia (Mr. MANCHIN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Alabama (Mrs. BRITT), the Senator from Kansas (Mr. MARSHALL), the Senator from South Dakota (Mr. ROUNDS), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 48, nays 46, as follows:

[Rollcall Vote No. 240 Ex.]

YEAS—48

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

NAYS—46

Barrasso	Cornyn	Graham
Blackburn	Cotton	Grassley
Boozman	Cramer	Hagerty
Braun	Crapo	Hawley
Budd	Cruz	Hoeben
Capito	Daines	Hyde-Smith
Cassidy	Ernst	Johnson
Collins	Fischer	Kennedy

Lankford	Ricketts	Sullivan
Lee	Risch	Thune
Lummis	Romney	Tillis
McConnell	Rubio	Tuberville
Moran	Schmitt	Wicker
Mullin	Scott (FL)	Young
Murkowski	Scott (SC)	
Paul	Sinema	

NOT VOTING—6

Britt	Manchin	Rounds
Fetterman	Marshall	Vance

The nomination was confirmed.

(Mr. HELMY assumed the Chair.)

The PRESIDING OFFICER (Ms. SMITH). 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 Oregon.

ELECTIONS

Mr. MERKLEY. Madam President, I am taking the floor tonight to ring the alarm bells for our democracy, with grave concerns about the opening up of a casino for betting on our elections.

Imagine this. Election day is approaching. Ultrarich Americans and huge corporations bet billions of dollars on the outcome of which party controls the House of Representatives or bet those same billions on who controls the U.S. Senate. But as the election approaches—it is 45 days out; it is 30 days out—and one or two races might make the difference on whether they win or lose that bet, they now have a huge incentive to spend another vast sum smearing the candidate they want to lose. They now have a vast incentive to spread disinformation to get the outcome that they have wagered millions of dollars on or billions of dollars on. That is a profound corruption of our democracy.

I am sure you are thinking: That could never happen here in America. That is not government by and for the people. That is not elections as a way of choosing who will best lead us forward or cast the votes consistent with our principles. That is, instead, just turning elections into a casino.

But if you think this could never happen here, you are wrong. This isn’t fantasy.

Last week, less than 60 days before one of the most consequential elections in the history of our Nation, a Federal district judge—a DC district judge—threw the doors wide open for just such a gambling scheme on our elections, allowing individuals and corporations to bet up to \$100 million apiece. No, this is not some research project where people can bet \$10 to see, kind of, the influence of whether or not the way people bet is a better prediction than polling. No, this is not a research project. This is vast, powerful people betting huge sums and then, with dark money authorized through Citizens United court decisions, being able to put their thumbs on the scale. That is what happened last Thursday.

Fortunately, shortly after the ruling was announced, it was appealed by the CFTC, or the Commodity Futures Trading Commission, to the circuit

court, and the circuit court put a stay on it—a stay that will give them time to think about whether they should allow this casino to go forward at this moment in time. They are going to make that decision, they say, by Thursday, 3 days from now.

So I am ringing the alarm bells that there is an enormous threat to the integrity of our elections. It will be based on a decision of a circuit court 3 days from now. Will they, like the district judge, throw the doors open to the casino, allowing individuals to bet millions of dollars—up to \$100 million—and do so knowing those same individuals can then spend massively to put their thumb on the scale and affect the outcome of the election?

Let's go back a little bit to the lead-up to this moment. In 2020, a Wall Street firm called Kalshi was authorized by the Commodity Futures Trading Commission, or the CFTC, to do a limited amount of bets or contracts on events, ranging from what the daily temperature will be in Chicago to what countries will have a recession—lots of event contracts.

Fast forward 3 years, and Kalshi decided to go way beyond that kind of structure, and they filed paperwork to say they wanted to allow an event contract allowing bets on the outcome of who controls the House and the Senate.

Given this unprecedented move and concerns about how this type of action could corrupt the elections, the CFTC initiated a 90-day review period to study the issue and 30 days for public comment. In that comment period, I led a group of fellow Senators to weigh in, urging the CFTC to reject this event contract on elections.

The letter stated:

Mass commodification of our democratic process would raise widespread concerns about the integrity of our electoral process. Such an outcome is in clear conflict with the public interest and would undermine confidence in our political process.

In September of last year, the CFTC agreed, and they rejected Kalshi's request, concluding that betting on elections is contrary to the public interest and would undermine the integrity of our elections.

But Kalshi sued, and that is what put it in to the DC District Court that led to the decision last Thursday of a district court judge siding with Kalshi and allowing them to start offering or taking bets on who controls the House and Senate.

I have in my hand here some of the legal language for the CFTC. Here is what it says:

Under CEA section 5c(c)(5)(C)(i), the Commission may determine that contracts in certain excluded commodities . . . are contrary to the public interest if [they] involve: (1) activity . . . unlawful under Federal . . . law; (2) terrorism; (3) assassination; (4) war; (5) gaming; or (6) other similar activity determined by the Commission, by rule or regulation, contrary to the public interest.

Here is the thing. This law clearly gave the Commission the power to proceed to control gaming. And what is gaming but a bet on an event?

Despite the clear language that is in the law, despite the fact that gambling and gaming are used interchangeably in all kinds of rules and statutes, a district judge said: No concern about the public interest here. We will just throw the doors of the casino wide open.

That is a vast concern, and I am hoping that the DC circuit judges are paying attention to the law having given the power to the CFTC to turn down contracts allowing gaming.

Now, we just had, today, an attempted assassination attempt on former President Trump. Do you want to put contracts on assassinations when you know that people can put their thumb on the scale and actually try to assassinate someone? No. That is why the law is written like this.

Do you want to be able to have people bet on the outcome of an election and then spend vast sums smearing the candidate they want to lose, corrupting the election from the vision of guiding our country forward into a simple gaming exercise about enriching those who cannot just make huge bets but can influence the outcome of those bets? Absolutely not. That is why the law is written in this fashion.

So, at a minimum—at a minimum—the circuit court should stay this decision, not allow this to be unfolding now, less than 60 days before the election, 7 weeks from tomorrow. I think that makes it 43 days—49, 50—50 days, 7 weeks from tomorrow.

It is not OK—not OK—to allow corruption of our elections in this fashion.

I was thinking about the fact that this law allows insider trading. For example, Exxon—that is the decision of the district court—Exxon, an oil company, could be planning to fund a PAC, and that PAC is going to do a huge amount of ads involving disinformation, involving smearing a candidate—maybe, you know, the last 2 weeks of the election. They know that, but they are not banned from betting. So they can turn around and put a massive bet on the outcome of the election while they have the insider information about the huge campaign the PAC is planning that nobody else knows about.

What an incentive to create that type of strategy—a strategy where the very rich and the very powerful can both cast the bet and heavily influence the outcome—not an influence about government by and for the people but about enriching, through a rigged bet, the most powerful people in our country. That is not the purpose of elections. That is why Congress wrote the law the way they wrote it, giving the CFTC the power to turn down this type of event contract.

How about Russia, Russian nationals? Maybe they are lent money. They are here in the country. They can bet on the outcome of this election. Maybe they have allies who can donate to a PAC.

Do you want to further incentivize public disinformation and election rig-

ging by foreign powers? We already know how much China does. We already know how much Russia does. Do we want to give them such an easy platform to make this happen?

There are certain principles core to democracy. One is that citizens have access to the ballot box. A second is the peaceful transfer of power. The third and the theory behind a democracy is that when votes are cast and when campaign donations are made, they are made because the person sees a representative who corresponds to their values.

But in this case, it isn't about a person who corresponds to your values. You may, in fact, want somebody to win who is on the right end of the spectrum, but then you make a huge bet thinking the person on the left end is going to win, so you proceed to heavily smear the very person you, according to your principles, want to win because of your pocketbook now being at risk.

This profoundly affects the public interest. This is a profound corruption of our democracy.

We already have a lot of challenges. Social media is a problem. Cable television presenting different sets of facts in different parts of our universe is a challenge. Bots that create fake commentary, try to create themes that move people and make things appear real that are not real. Voter suppression—that is a challenge. AI, deepfakes are a challenge. The last thing we need is a casino on elections that, at its very core, incentivizes rigged bets contrary to the public interest and election outcomes driven by profit, not driven by values.

So that is where we are. So I hope that the circuit court of DC will pay attention about how much is at risk.

Now, I have noted that the current contract is about who controls the House and who controls the Senate, but once that is allowed, what is to prevent Kalshi from putting up an event contract on the outcome of a specific Senate race or a specific House race? Then we have a ton of really close races. Do we want those really close races to be affected by people betting—a bet up to a hundred million dollars followed by dark money smear campaigns under Citizens United—determining what the outcome of those races is? I think not—not if you believe in the vision of democracy, not if you believe in the vision of a republic, not if you believe that who comes to stand in this room is to be the person you think will honor our Constitution and work toward a better future.

So, Madam President, I will just summarize by saying, just 3 days from today, there could be a decision. It could have a profound impact on the integrity of the coming election. That decision should be a stay that prevents these election contracts. Then this body should get to work and outlaw specifically, in the law, such contracts.

It already appears that they have because it says the CFTC has the power

to turn down event contracts based on gaming that are contrary to the public interest. But if one district judge has said that doesn't carry the day, there is another judge out there somewhere who will do the business of helping out some corporation trying to open the doors to that casino.

So let's here come together—Democrats and Republicans, left and right—and say: We care about the integrity of our election, and we will not let this happen. But, first, we need a stay from the court to prevent it from happening this Thursday.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCOTT of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT REQUEST—S. 4771

Mr. SCOTT of Florida. Madam President, I have been called many names—some nice and some not so nice—Governor, Senator, husband, Dad; but my favorite is Grandpa.

When I first became Governor back in 2010, Ann and I had no grandchildren. Fast-forward to today, and we are blessed with seven beautiful grandkids.

As I speak today, my daughter is using in vitro fertilization, or IVF, to grow her family. As a grandpa, of course, I am thrilled.

And thanks to the people of Florida, I have also had the opportunity as a U.S. Senator to do what I can to make this amazing science that helps bring beautiful babies into the world more accessible and affordable for millions of Americans.

The truth about IVF is that it is one of the few unifying policies that almost all Democrats and Republicans agree with. Earlier this year, a ruling of the Alabama Supreme Court concerned many of us, myself included. Thankfully, the Republican-controlled Alabama Legislature swiftly updated their laws to ensure IVF is protected for citizens of their State.

Right after the ruling, I introduced a resolution with my colleague in the House, KAT CAMMACK, which outlined the overwhelming support in Congress for IVF and the millions of families using it to grow their families. We built on that resolution by then introducing the IVF with HSAs Act to expand access to IVF by doubling the contribution limits of health savings accounts, or HSAs, and expanding eligibility to utilize them by decoupling them from traditional high-deductible health plans. The real-world impact of my bill is that millions of Americans will be able to save more money in tax-free accounts to pay for medical expenses like IVF.

We should all be able to agree that it is a good thing for more families to have an opportunity to grow. So many

of us here are parents and grandparents. We should all be able to agree that more babies is wonderful. That is why I am here to ask for unanimous consent to pass my bill. If the Senate is serious about ensuring opportunities for families, we can start today by allowing this good bill to get sent over to the House, where I am confident it will pass, and we can send it to the President's desk for signature.

Madam President, I am going to wait for Senator WYDEN.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Madam President, as if in legislative session, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 4771 and the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, let me go to the policy issue. I know this is very important to my colleague from Florida. And when families are wrestling with this issue, they have the sympathies of all of us.

Here is what concerns me: Families struggling to afford IVF will get virtually no benefit from the Scott proposal that more than doubles the annual contribution limit. That is the bottom line. Families struggling get virtually nothing from this.

I have just felt—and I am sorry that we started a little bit early because I wanted to hear Senator SCOTT's remarks. I just think, if you look overall, Republicans have just had no interest in protecting in vitro fertilization or reproductive rights.

The fact is, Donald Trump, some time ago, claimed that he was going to require insurers to cover IVF. As far as I can tell, not Senator SCOTT, but Republicans generally basically never thought he was serious about it, which is the case for all of these proposals, virtually, that he is making, sometimes more than one a week.

So my view is, the money that this bill would cost is better spent on extending the expansion of the Affordable Care Act's premium tax credits because they actually lower the cost of health insurance for typical families. That is what we want to do: lower the cost of health insurance for typical families. By the way, that is set to expire at the end of next year unless Congress takes action.

So for those reasons, Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida.

Mr. SCOTT of Florida. Madam President, I appreciate my colleague being here.

First off, here is the positive. I think we all support IVF. I support IVF. I have a daughter going through it right now. I am glad IVF is legal and available in all 50 States, and there is no actual risk of it going away. I think we all know this.

What I propose is the IVF with HSAs Act. It is going to expand access to IVF by doubling the contribution limits of Health Saving Accounts, and it is going to expand eligibility to include them by decoupling them from traditional high-deductible health plans. The impact of this will be millions of Americans will be able to save money and have better access to it in tax-free accounts to pay for medical expenses like IVF.

That is all positive. The opportunity we have here is not about whether IVF will be here tomorrow or next year or 5 years from now. Everyone knows IVF is here to stay. Today, our opportunity is to help more people use IVF to grow their families. But Democrats, unfortunately—my colleagues—decided to block this bill.

I know my Democratic colleagues are going to call up for a vote tomorrow a bill, but it seems like it is just scoring political points. They are going to bring up the same bill that didn't pass before. And what is frustrating to me is—I support IVF; I think all my colleagues support IVF—there wasn't an attempt between Democrats and Republicans to write a bipartisan bill that we could actually get a bill that we could pass.

The last 2 months have just been spent, basically, political posturing. I know it is an election year. I hope the Democrats are going to get serious about doing something that will help benefit hard-working people.

I am disappointed, but I thank my colleague for being here.

The PRESIDING OFFICER. The majority leader.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam 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. Madam President, I move to proceed to executive session to consider Calendar No. 651.

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 bill clerk read the nomination of Rebecca L. Pennell, of Washington, to be United States District Judge for the Eastern District of Washington.

CLOTURE MOTION

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