

Hirono	Murray	Smith
Kaine	Ossoff	Stabenow
Kelly	Padilla	Tester
King	Peters	Van Hollen
Klobuchar	Reed	Warner
Luján	Rosen	Warnock
Manchin	Sanders	Warren
Markey	Schatz	Welch
Merkley	Schumer	Wyden
Murkowski	Shaheen	
Murphy	Sinema	

## NAYS—43

Barrasso	Graham	Paul
Blackburn	Grassley	Ricketts
Boozman	Hagerty	Risch
Braun	Hawley	Romney
Britt	Hoeven	Schmitt
Budd	Hyde-Smith	Scott (FL)
Capito	Johnson	Scott (SC)
Cassidy	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Tuberville
Cruz	Marshall	Wicker
Daines	McConnell	Young
Ernst	Moran	
Fischer	Mullin	

## NOT VOTING—5

Crapo	Rubio	Whitehouse
Rounds	Vance	

The PRESIDING OFFICER (Mr. LUJÁN). On this vote, the yeas are 52, the nays are 43.

The motion was agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Jeannette A. Vargas, of New York, to be United States District Judge for the Southern District of New York.

## NOMINATION OF JEANNETTE A. VARGAS

Mr. DURBIN. Mr. President, today the Senate will vote to confirm Jeannette Vargas to the U.S. District Court for the Southern District of New York.

A highly skilled litigator, Ms. Vargas is a dedicated public servant who will be an asset to the Federal bench. A graduate of Harvard College and Yale Law School, Ms. Vargas began her legal career at Simpson Thacher & Bartlett before clerking for then-Judge Sonia Sotomayor on the U.S. Court of Appeals for the Second Circuit.

Since 2002, Ms. Vargas has been an assistant U.S. attorney in the U.S. Attorney's Office for the Southern District of New York. In addition, she previously served as deputy chief of the Tax and Bankruptcy Unit, chief of the Tax and Bankruptcy Unit, and senior trial counsel. She currently serves as deputy chief of the Civil Division.

In the U.S. attorney's office, Ms. Vargas has handled and supervised a range of complex commercial litigation cases in the areas of bankruptcy, tax, civil rights, national security, and administrative law. She has also investigated criminal civil rights cases involving allegations of excessive use of force.

Over the course of her legal career, Vargas has tried eight cases to verdict. She has also drafted or helped draft more than two dozen appellate briefs and has argued 10 cases before Federal appellate courts.

Ms. Vargas has the strong support of her home State Senators, Mr. SCHUMER and Mrs. GILLIBRAND. In addition, she was rated unanimously "well qualified" by the American Bar Association. I urge my colleagues to support Ms. Vargas's nomination.

## RECESS

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

Thereupon, the Senate, at 1:27 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. LUJÁN).

## EXECUTIVE CALENDAR—Continued

## VOTE ON VARGAS NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Vargas nomination?

Mr. WARNOCK. Mr. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Ms. BUTLER) and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from South Dakota (Mr. ROUNDS), the Senator from Florida (Mr. RUBIO), and the Senator from Ohio (Mr. VANCE).

The result was announced—yeas 51, nays 43, as follows:

[Rollcall Vote No. 234 Ex.]

## YEAS—51

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

## NAYS—43

Barrasso	Graham	Paul
Blackburn	Grassley	Ricketts
Boozman	Hagerty	Risch
Braun	Hawley	Romney
Britt	Hoeven	Schmitt
Budd	Hyde-Smith	Scott (FL)
Capito	Johnson	Scott (SC)
Cassidy	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Tuberville
Cruz	Marshall	Wicker
Daines	McConnell	Young
Ernst	Moran	
Fischer	Mullin	

## NOT VOTING—6

Butler	Rounds	Vance
Crapo	Rubio	Whitehouse

The nomination was confirmed. The PRESIDING OFFICER (Mr. WELCH). 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. 649.

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 legislative clerk read the nomination of Kevin Gafford Ritz, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

## 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 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.

Mr. SCHUMER. Mr. President, I ask unanimous consent the mandatory quorum call for the cloture motion filed today, September 10, be waived.

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

## CONSTITUTING THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED EIGHTEENTH CONGRESS

Mr. SCHUMER. Mr. President, as if in legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 807, submitted earlier today.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 807) to constitute the majority party's membership on certain committees for the One Hundred Eighteenth Congress, or until their successors are chosen.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 807) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### FILIBUSTER

Mr. THUNE. Mr. President, it is no secret that Democrats increasingly subscribe to the philosophy that if you don't like the way the game is going, you change the rules. We have seen it in striking fashion with the Supreme Court. Democrats respond to pretty much every Supreme Court decision that they don't like these days with claims not just that the Court's decision was wrong but that the Court itself is illegitimate.

As the President made clear with the release of his *de facto* Court-packing plan this summer, if Democrats are elected, we can confidently expect them to lose no time in remaking the Court to their liking to ensure they get the policy outcomes they want.

Of course the Supreme Court is not the only institution the Democrats have a problem with. Democrats are also frustrated they haven't gotten a blank check for their far-left priorities in the Senate. So if Democrats win in November, they intend to change the rules of the Senate—specifically the filibuster rule—to ensure that they can steamroll through their plans to remake the government and the country.

The Democrat leader made that very explicit last month at the Democrat National Convention when he said that his party would change the rules to pass Democrats' so-called voting rights legislation—more accurately described as a Federal takeover of elections designed to give Democrats a permanent electoral advantage.

He also indicated that his conference would move to change the rules to pass abortion legislation—perhaps Democrats' bill to codify abortion up until the moment of birth.

Really, the only question remaining seems to be whether Democrats will abolish the filibuster completely or just render it meaningless by carving out exemptions for all Democrats' most cherished priorities.

I have spoken on the floor more than once about the importance of the filibuster. The Founders intended the Senate to be a counterbalance to the House. It was designed as a more stable, more thoughtful, and more deliberative legislative body to check ill-considered or intemperate legislation or tyranny by the majority.

As time has gone on, the legislative filibuster is the Senate rule that has had perhaps the greatest impact in preserving the Founders' vision of the Senate. The filibuster acts as a check on imprudent or highly partisan legislation, it forces discussion and compromise, and critically, it ensures that Americans whose party is not in power also have a voice in Congress.

As one Senator said a few years ago when abolishing the filibuster was under consideration, "Folks who want to see this change want to eliminate one of the procedural mechanisms designed for the express purpose of guaranteeing individual rights . . . and would undermine the protections of a minority point of view in the heat of majority excess." That Senator was Joe Biden.

As another Senator once said when a change to the filibuster rule was under discussion, "The bottom line is very simple: the ideologues in the Senate want to turn what the Founding Fathers called the cooling saucer of democracy into the rubber stamp of dictatorship. . . . They want, because they can't get their way . . . to change the rules in midstream, to wash away 200 years of history. They want to make this country into a banana republic where if you don't get your way, you change the rules! . . . It'll be a doomsday for democracy if we do."

"It'll be a doomsday for democracy if we do."

The Senator who said that, of course, was the current Democrat leader of the Senate—the same leader who has announced that his party will "change the rules in midstream" to force through Democrats' priorities.

I suppose the Democrat leader could have had a change of heart. This once-fierce defender of the filibuster could have become convinced that the filibuster no longer serves a useful purpose. But if that is what this is, if this is truly a principled change, then I would like to hear the Democrat leader endorse the abolition of the filibuster if Republicans win the election. I would like to also hear him argue that a Republican Congress and a Republican President should be able to force through every legislative priority Republicans want, whether that is real border security legislation or a ban on killing unborn children past the point in a pregnancy where they can feel pain.

I suspect, however, that the Democrat leader has not had this change of heart. In fact, I suspect that if President Trump wins the election and Republicans take the House and the Senate, the Democrat leader will be happy to use the filibuster to check Republican legislation, just as he did during President Trump's first term.

Funnily enough, I don't recall hearing much from Democrats about the need to abolish the filibuster back then. In fact, 32 Democrats, including then-Senator KAMALA HARRIS, signed a letter in April of 2017 calling on Senate leadership to preserve—preserve—the legislative filibuster.

In short, it is pretty clear that the Democrat leader's change of heart isn't principle; it is political expediency. Democrats believe that the rules should apply when they serve the aims of the Democrat Party and that the rules should be abolished whenever they interfere with Democrats' far-left agenda.

If Democrats abolish the filibuster in whole or in part, it would, to quote the current Democrat whip, "be the end of the Senate as it was originally devised and created going back to our Founding Fathers."

The minority party in the Senate and in the country would no longer have any meaningful voice in legislation. The loss of the filibuster would also create legislative whiplash, with one party passing all its most controversial proposals when it has unified power in Washington and then the other party undoing all of that legislation and passing its own proposals when it gains unified power. To say that that kind of legislative instability would be bad for our country is an understatement. Sharp changes in Federal policy every few years would mean endless confusion for Americans and could spell serious trouble for the economy.

Abolishing the filibuster would not only be bad for our country, I suspect Democrats would regret it on their own behalf—and sooner rather than later.

I realize that Democrats have hopes that if they pass their so-called voting rights legislation, it will help them stay in power, but surely—surely—Democrats don't believe they can maintain a permanent hold on government.

There have been some pretty robust Senate majorities in American history, but sooner or later, power has always shifted. When it inevitably does, Democrats are likely to bitterly regret the loss of the legislative filibuster. Democrats have already had cause to regret the loss of the filibuster for judicial nominations. More than one Democrat Senator has openly admitted regretting the Democrats' move to abolish the filibuster for judges and for other nominees. They ought to take a lesson from that.

If Democrats have the incredibly naive idea that they can somehow preserve the filibuster by simply creating a carve-out for their top legislative priorities, they should think again.