

guidelines on recusal, and it is ultimately up to the individual Justices.

Unfortunately, there is a full-fledged pressure campaign to blur the lines that separate the Supreme Court from other branches of government. For years, liberal activists and dark money groups have been on a warpath to destroy public confidence in the high Court's independence.

One of these groups is called Demand Justice, an organization whose highest goal is to pack the Supreme Court and install a permanent liberal majority. A couple of years ago, one of the co-founders of Demand Justice said:

It's time for [the Democrats] to see the Court as a political opponent, just as much as any GOP elected official, and run against it.

That is the type of people and the type of agenda we are dealing with here.

Demand Justice and other liberal groups recently sent a letter to Senator DURBIN, chairman of the Senate Judiciary Committee, urging him to use his power to investigate these so-called ethics concerns. They want the Senate to craft a law to dictate to the Supreme Court what their code of ethics should look like.

Forget about the fact that they already have a code of ethics. Democratic Senators want to dictate what that code of ethics should look like.

And, last night, Chairman DURBIN tried to force a vote on this bill, but it was blocked. His unanimous consent request was blocked by the ranking member, Senator GRAHAM.

As my Republican colleagues and I have said for months, any decisions about the Supreme Court's practices or procedures should come from the Court itself, not from Congress. The Senate has a limited but important role where it concerns the Supreme Court, and that is through the confirmation process. And we are all familiar with that.

All nine Justices underwent a rigorous background check. They endured hours and hours of questioning from members of the Judiciary Committee, met with Senators one on one, and ultimately were confirmed by majority vote of the U.S. Senate.

That is where the Senate's role starts and ends. We don't have the authority to drag the Supreme Court Justices before Congress in pursuit of some political agenda. There are clear limits to Congress's power under the Constitution—and for good reason.

The independent judiciary has been justly described as the crown jewel of our democracy. We have our fights. We have elections. But ultimately the Supreme Court gets to decide what the law is. That has been the case since 1804 in the case of *Marbury v. Madison*.

Our Founders deliberately designed a Federal Government with three separate but equal branches. A system of checks and balances sought to prevent any one branch from forcing its will on another.

If Chairman DURBIN and our Senate colleagues on the Judiciary Committee

respect the separation of powers, they will resist this latest attempt to hijack the Court. The Supreme Court is a separate and coequal branch, and its operations squarely fall outside of the authority of the legislative branch.

I often think back to a statement issued by Chief Justice Roberts in 2018, when he said:

We do not have Obama judges . . . [we do not have] Trump judges, Bush judges or Clinton judges. What we have is an extraordinary group of dedicated judges [who are] doing their level best to do equal right to those appearing before them."

It was true then, and it is true now. The men and women on the Supreme Court should not be pawns or players for either political party. The suggestion that judges are likely to apply perceived political views to cases is dangerous and disingenuous. We have been embroiled in the last few years with the hijacking of our justice system, including the FBI and the Department of Justice, for partisan political purposes, and it is very, very dangerous, because we know what goes around comes around.

Once a precedent is set around here, when the shoe is on the other foot, when the majority is in the minority, when the minority is in the majority, that same precedent will be applied in the future.

Public trust is absolutely vital to the health of our democracy, and the surest way to destroy that trust is by turning the Court into a political football. That is what our Democratic colleagues are risking.

It doesn't matter what case is before a court or what ruling is ultimately handed down, elected officials need to lead by example and support judicial independence. Members of this body must show faith in the judiciary and in our constitutional system of separation of powers, and that includes letting the judges do their job.

Look, the Court is going to hand down decisions that I don't like and that the Presiding Officer doesn't like, but that is not the point. The point is there is a fair and impartial process of applying the law and the Constitution to deciding what the outcome is.

I can't count the number of times I have been disappointed by a Court ruling, but I have certainly never advocated for restructuring the Supreme Court to ensure a preferred outcome of mine the next time. And I have never suggested cutting funds if judges failed to deliver my preferred ruling. That would be wrong.

And certainly, certainly, I have never threatened Justices with violence if they reached a decision I disliked.

And I never have and I never will use the power of Congress to try to subpoena a sitting member of the Court or force Justices to recuse themselves contrary to their decision, using the rules that exist—the code of conduct that exists for Federal judges.

So an independent judiciary is absolutely essential to our democracy, and

I hope Chairman DURBIN and our Democratic colleagues will show a little self-restraint and resist the far left's latest push to destroy public confidence in the Supreme Court or in the Court's independence.

I yield the floor.

VOTE ON CHANG NOMINATION

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

Ms. HASSAN. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Ms. BUTLER), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Vermont (Mr. SANDERS), and the Senator from Arizona (Ms. SINEMA) are necessarily absent.

The result was announced—yeas 63, nays 33, as follows:

[Rollcall Vote No. 196 Ex.]

YEAS—63

Baldwin	Grassley	Reed
Barrasso	Hassan	Risch
Bennet	Heinrich	Romney
Blumenthal	Hickenlooper	Rosen
Booker	Hirono	Rounds
Brown	Hyde-Smith	Schatz
Cantwell	Kaine	Schumer
Cardin	Kelly	Shaheen
Carper	King	Smith
Casey	Klobuchar	Stabenow
Cassidy	Lujan	Tester
Collins	Manchin	Tillis
Coons	Markey	Van Hollen
Cortez Masto	McConnell	Warner
Cramer	Merkley	Warnock
Crapo	Murkowski	Warren
Duckworth	Murphy	Welch
Durbin	Murray	Whitehouse
Fetterman	Ossoff	Wicker
Gillibrand	Padilla	Wyden
Graham	Peters	Young

NAYS—33

Blackburn	Fischer	Mullin
Boozman	Hagerty	Paul
Braun	Hawley	Ricketts
Britt	Hoeven	Rubio
Budd	Johnson	Schmitt
Capito	Kennedy	Scott (FL)
Cornyn	Lankford	Scott (SC)
Cotton	Lee	Sullivan
Cruz	Lummis	Thune
Daines	Marshall	Tuberville
Ernst	Moran	Vance

NOT VOTING—4

Butler	Sanders
Menendez	Sinema

The nomination was confirmed.

The PRESIDING OFFICER (Mr. OSSOFF). The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I ask unanimous consent that the motions to reconsider with respect to the Rosner, See, and Chang nominations 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.

LEGISLATIVE SESSION

RIGHT TO IVF ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Mr. SCHUMER. Mr. President, I move to proceed to Calendar No. 413, S. 4445.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 413, S. 4445, a bill to protect and expand nationwide access to fertility treatment, including in vitro fertilization.

Mr. SCHUMER. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

RIGHT TO IVF ACT

Mrs. MURRAY. Mr. President, last week, every Senator was put on the record as to whether they will defend the right to contraception, and despite Republicans' words about supporting birth control, their actions—voting against the Right to Contraception Act—spoke louder.

Today we are putting Republicans on the record on another issue families across the country are deeply concerned about: the right to IVF.

As we saw in Alabama, the threat to IVF is not hypothetical. It is not overblown, and it is not fearmongering. After the Alabama Supreme Court ruled that a frozen embryo is the same—has the exact same rights—as a living, breathing human person, women who waited for months and spent tens of thousands of dollars and were days away from an IVF appointment were left to wonder if it was all for nothing when their treatment was abruptly canceled.

And families that had already gone through IVF were left to wonder if they could have their providers now dispose of unused embryos without facing legal threats.

This happened. It was national news. It was complete chaos. So Republican efforts to dismiss this vote as fearmongering are simply not going to fly—especially when, right now, there are Republican bills, right now, that would enshrine as a matter of law that life begins at conception and that discarding unused embryos is, essentially, murder. That would essentially end IVF in our country.

And this is not a fringe bill, either. It is supported by the majority of House Republicans, including the Speaker.

Mr. President, I don't know how to make this any clearer to my Republican colleagues: You cannot support IVF and support fetal personhood laws. They are fundamentally incompatible.

Democrats are not going to let Republicans off the hook for their support for fetal personhood. This is a dangerous and extreme ideology that the public must understand Republicans support wholeheartedly.

We are also not going to let Republicans paper over their extremism with their so-called solution: a bill that is not only silent on ensuring embryos can be discarded but that explicitly allows States to put burdensome restrictions on IVF and create the kind of legal uncertainty that forced clinics in Alabama to close their doors.

Mr. President, I do have good news for any of my Republican colleagues who do genuinely want to support IVF in a serious, meaningful way. We have a bill before us today that will do just that, and we are going to vote on it very shortly: the Right to IVF Act.

I really want to thank Senator DUCKWORTH and Senator BOOKER for working with me to put together a bill that would protect Americans from attempts to restrict IVF and help people get those vital services at a lower cost. The Right to IVF Act would establish a Federal right for patients to get IVF care and for doctors to provide it. It would ensure more health insurance plans cover IVF services, making care finally accessible to middle-class and lower income families who desperately need it.

And this package includes my bill to help more veterans and servicemembers who have difficulty conceiving get the critical fertility services they need to start their families, including IVF. This is something I have long been pushing for, for years now, and it is long overdue. After all, these men and women fought to protect our families. We owe it to them to make sure they have the support when they come home to grow theirs.

None of this should be controversial, especially if Republicans are serious about supporting IVF and preventing more chaos like we saw in Alabama.

I will have more to say before the final vote, but the bottom line is: Americans saw earlier this year, with painful clarity, just how real the threat to IVF is, and they are going to see right now just who is serious about addressing that threat and protecting IVF access.

With that, I will turn it over to my colleague from Michigan, who has been a champion on this issue.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I want to thank the senior Senator from Washington State, who is also the President pro tempore of the U.S. Senate, for her incredible leadership on all of the issues related to reproductive freedom.

And I just want to start by saying that I cannot believe that we are in 2024—we are not in 1824; we are in 2024—and we have to stand on the floor of the U.S. Senate and say that we need to protect a woman's right to choose IVF as the process to start or grow her family or that we have to protect her ability to make decisions on birth control or on abortion services or any other reproductive issue—any other reproductive issue.

This is not for people here to decide what every single woman—every person—involved in this should decide. It is not for politicians. It is not for judges. This is an individual freedom in America and needs to be protected, and that is what today is about as well.

For those who want to have children but struggle with infertility, IVF is a path. It is a wonderful path—expensive path. It may take a lot of time, but it is an important path to grow a family.

I have two senior members of my staff who have chosen IVF for different reasons. One of my staff has a beautiful little boy, Carter, who celebrated his first birthday not long ago. Amazing. And my other staff person is excitedly waiting with her wife for their new son to be born in September.

Different paths, different choices. Their choice. Their choice. Not the choice of politicians. Not the choice of judges or anybody else. Their choice.

And IVF has helped thousands of Americans have children, including Brittany from Holly, MI, who I know is with us today. After being diagnosed with PCOS at 16, she experienced fertility issues when she was ready to start a family. After 3 years, six rounds of fertility treatments, countless tests, and two rounds of IVF, she gave birth to her beautiful baby girl, Eloisa, who is now 8 months old—8 months old.

Despite the strain this journey put on her relationships, Brittany told me that “Every penny was worth it for our daughter.” She said:

Every penny was worth it for our daughter. IVF has made our family complete.

And she is not the only Michigander who has been able to start a family because of IVF. When her husband was serving our country in the U.S. Navy, Sue from Brighton, MI, used IVF to bring her son into the world. At the time, she was an elementary schoolteacher and her husband was deployed for months at a time. Her entire salary went toward the seven rounds of IVF that were needed to have a successful pregnancy—a wanted, present pregnancy.

With insurance only paying for some of the medication, Sue spent over \$100,000 out of her own pocket on treatment. This journey put an emotional and financial strain on Sue and her husband, as we would expect.

And this situation is not unique. Our veterans and our servicemembers sacrifice so much for our country. They shouldn't have to sacrifice their ability to start or grow their family because these treatments aren't covered. And families shouldn't have to choose between going into debt to cover the enormous cost of treatment and having a baby just because it is not covered by insurance.

That is why passing the Right to IVF Act is a no-brainer for me. I hope it is a no-brainer for everybody on the floor of the Senate. This should be 100 Members of the Senate supporting this bill.

We need to protect the freedom for millions to use IVF. We need to expand