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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the center of our hope, You have given us this day for our use. From the rising of the Sun until the setting of the same, Your Name deserves our praise. Today, bless our lawmakers with Your guidance and peace. Give them hope and purpose as they work on Capitol Hill, reminding them that their steps are ordered by You and that You will supply their needs. Show them that right defeated is better than triumphant evil. Lord, encourage them to wisely use their time to contribute to peace and harmony in our Nation and world.

We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mrs. MURRAY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 17, 2024.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia, to perform the duties of the Chair.

PATTY MURRAY,  
President pro tempore.

Mr. WARNOCK thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

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.

#### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

#### RIGHT TO IVF ACT

Mr. SCHUMER. Mr. President, there is perhaps no more personal a decision one can make than the decision of whether or not to start a family. For many people, starting a family is the greatest joy there is. It makes everything else secondary.

Yet for millions and millions of people, infertility can be a nightmare and a source of pain. Thankfully, we live in

a time when, thanks to treatments like IVF, infertility is not the end of the story.

Sadly, access to IVF can no longer be taken for granted. From the moment the MAGA Supreme Court eliminated Roe, the hard right made clear that they would keep going. As we saw earlier this year in Alabama, IVF has become the next target of ultra-conservatives, and access to this incredible treatment is more vulnerable than ever.

Today, the Senate will hold a simple and pivotal vote on whether or not to take up, once again, the Right to IVF Act. I thank Senator DUCKWORTH, as well as Senators MURRAY and BOOKER and all the others, who have championed this bill for months. They are great leaders on this issue.

If the Senate votes no today and strikes IVF protections down yet again, it will be further proof that Project 2025 is alive and well.

Remember: Donald Trump's Project 2025 is tied to the Heritage Foundation, one of the most important and extreme conservative think tanks in the country. And, earlier this year, they came out fiercely against today's bill protecting IVF. They were even against the fig-leaf fake IVF bill pushed by Senators CRUZ and BRITT. That is how extreme they are.

If people want to see how strong Project 2025's grip is on the GOP, the outcome of today's IVF vote will be very, very revealing.

And yet, by all accounts, there is every reason in the world for Senators to vote yes today. Today's vote is simply a motion to reconsider. We are merely asking whether or not this bill is worth debating. Democrats certainly think it is. We certainly think that if any issue is worth discussing in this Chamber, it is protecting Americans' reproductive freedoms. And we Democrats extend an open invitation to our Republican colleagues to join us.

Republicans regularly claim that they are the party that stands up for

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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families. Well, today's bill is about as pro-family as it gets. It helps create families—IVF does. It says that access to IVF should be a basic right for all. And it will make sure insurance companies cover IVF treatments in their plans.

The last point is key. Expanding insurance coverage for IVF is something the vast majority of Americans support. A survey from Pew Research from last month showed that even a majority of Republicans surveyed support it—even a majority of Republicans.

Nevertheless, 3 months ago, nearly every Senate Republican voted against protecting IVF in this Chamber. It was astounding to watch them. With a straight face, our Republican colleagues claimed that, of course, they cared about supporting families; of course, they supported IVF—just not enough to actually vote to protect it.

That makes no sense—no sense. Republicans can't just talk their way past an issue as personal as IVF. What ultimately matters is how they vote on the issue.

So to my Republican colleagues today, you get a second chance: Either stand with families struggling with infertility or stand with Project 2025, which aims to make reproductive freedoms extinct.

If the Republicans truly care about helping families, they should vote yes to protect IVF. If the Republicans truly reject the insanity and cruelty—cruelty—of Project 2025 and its extreme conservative agenda, they should vote yes to protect IVF.

On the other hand, if Senate Republicans vote no today and strike IVF protections down again, it is further proof that Project 2025 is alive and well.

So, again, we hope Republicans join us to do the right thing. We ask Republicans to join us because women's reproductive freedoms are in a time of crisis, and we need to push back.

It has been 2 years since the MAGA Supreme Court overturned *Roe v. Wade*. Today, 22 States have passed abortion restrictions—14 of them essentially full bans. Over one in three American women have lost access to reproductive care. Many of them have to drive hundreds of miles out of State to get the care they need, and that still often comes with long wait times. Doctors fear they will be jailed if they offer treatments. Women in need are at risk of being turned down at hospitals, and it can become a matter of life and death.

This week, America tragically learned of the first confirmed case of a woman dying because abortion bans prevented her from getting the care she needed. She was a young woman from Georgia, a 28-year-old and the mother of a 6-year-old. She had to travel out of State to get reproductive care, and when she needed emergency surgery after a rare complication, doctors in Georgia delayed giving her the care she needed because of the new restrictions

on the books. By the time she went into surgery, unfortunately, it was too late. She tragically passed away. The State declared that her death was preventable had she only gotten care sooner.

Worst of all, there are, undoubtedly, more cases like hers. These are the terrible and deadly consequences of restricting reproductive freedom. The tragedy that happened in Georgia, of a preventable death because of abortion bans, is why Project 2025 is so dangerous: deadly restrictions to reproductive care; monitoring women's pregnancies; banning mifepristone; laying the groundwork for a national abortion ban; putting IVF at risk.

To my Republican colleagues, the choice is yours. Americans are watching; families back home are watching; and couples who want to become parents are watching too. Republicans cannot say they are pro-family but vote against protecting IVF. They cannot say they reject Project 2025 but vote against protecting IVF. That is what is at stake today. I urge everyone to vote yes.

#### GOVERNMENT FUNDING

Now, Mr. President, on the CR, the clock is ticking for Congress to reach an agreement to keep the government open beyond the September 30 deadline. That is 13 days away. At this point in the process, the only way we can prevent a harmful government shutdown is by both sides working together to reach a bipartisan agreement. That is the only way.

Speaker JOHNSON is reportedly going to hold a vote on a 6-month CR tomorrow, but the only thing that will accomplish is to make clear that he is running into a dead end. We must have a bipartisan—a bipartisan—plan instead.

Now, I will say this: For all of its faults, I am heartened about one thing that Speaker JOHNSON is doing. Speaker JOHNSON's plan preserves the essence of the Schumer-Johnson agreement that set top-line funding levels for the current fiscal year, 2024. It is encouraging to see that Speaker JOHNSON, at least for now, is resisting the hard-right choices in his party and not pushing across-the-board cuts that would be so harmful to the American people. I hope it is a sign that the Speaker realizes that these bipartisan funding levels must be part of any solution moving forward.

But, beyond that, the Speaker's CR is too unworkable. I urge him to drop his plan and to work together to reach a bipartisan agreement with the other leaders: Leader MCCONNELL, Leader JEFFRIES, and myself as well as the White House. We do not have time to spare.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

#### HONORING SHERIFF'S DEPUTY JOSH PHIPPS

Mr. MCCONNELL. Mr. President, unfortunately, I need to begin this morning with some tragic news from Kentucky.

Late last night, Sheriff's Deputy Josh Phipps, of Russell County, was killed in the line of duty. His sacrifice is a sober reminder of the debt we owe our courageous law enforcement officials. They are the first to run toward fire and the first to put themselves in harm's way to keep us safe.

Today, I know the entire Commonwealth is holding Sheriff's Deputy Phipps in our thoughts and our prayers. So I would ask my colleagues to join me in sending our deepest sympathy to Russell County and the Phipps family as they mourn his loss.

#### JUDICIAL ETHICS

Mr. President, on another matter, free speech has been an animating principle for my entire career here in the Senate. I am second to no one in my defense of the First Amendment. So I have found the recent habit of the Federal judiciary's bureaucracy to try and abridge its protections alarming, to say the least.

The courts are where citizens go to have their free speech rights vindicated against censorious government officials. I know this from experience. I sued to stop the anti-speech campaign finance rules signed into law by President Bush, and I took it all the way to the Supreme Court.

But where do people go when the courts decide to behave like any other branch of government? When they put other interests over the First Amendment? Even having to ask the question is troubling.

Two of my colleagues and I recently wrote to the head of the Standing Committee on Federal Rules to express our opposition to the proposed amendment to the rules governing appellate courts. The amendment is the result of persistent bullying of the Senate Democrats, and it would force parties seeking to be heard as friends of the court to disclose their donors in certain instances.

The forced disclosure of donors is a longstanding offense against the First Amendment. This has been abundantly clear since Justice Harlan eloquently explained it in *NAACP v. Alabama*. The courts only tolerate forced disclosure in cases of actual candidate electioneering to ensure election integrity. But court cases aren't elections, and friends of the court are not candidates. The fact that the Appellate Rules Committee doesn't understand this and wants to chill free speech by mandating donor disclosure is a shocking reversal of *NAACP v. Alabama*.