

Another quote from the Commission's report said this:

The Commission finds that, in many ways, China is outpacing the United States and has largely negated the U.S. military advantage in the Western Pacific through two decades of focused military investment. Without significant change by the United States, the balance of power will continue to shift in China's favor.

Mr. President, from the Strategic Posture Commission report:

Today the United States is on the cusp of having not one, but two nuclear peer adversaries, each with ambitions to change the international status quo, by force, if necessary: a situation which the United States did not anticipate and for which it is not prepared.

Let me again say that: "a situation which the United States did not anticipate and for which it is not prepared."

In short, we have work to do. We are not where we should be when it comes to our national defense. While our preparedness lags, the world isn't getting any safer. If anything, it is getting more dangerous.

Over the course of the Biden-Harris administration, we have seen Russia invade the sovereign nation of Ukraine, China growing increasingly aggressive in the Pacific, a brutal terrorist attack on Israel that left more than 1,000 dead, terrorists threatening shipping in the Middle East—and the list literally goes on and on.

This summer alone, Russian and Chinese bombers for the first time sortied together 200 miles off the coast of Alaska—an alarming display of the growing ties between those two nations. Taiwan reported 305 airspace violations by Chinese aircraft in the month of June—the second highest monthly total on record. The Chinese continue to swarm and even collide with ships from the Philippines. Just 2 weeks ago, Japan for the first time reported an incursion of a Chinese aircraft into its airspace. In the Middle East, U.S. military members have continued to combat terrorists on land and Houthi attacks on U.S. ships and international shipping in the Red Sea.

Hamas still holds upwards of 100 hostages in Gaza, including 7 Americans. Iran has sent close-range ballistic missiles to Russia, presumably for use against the Ukrainian people. A Pakistani national with ties to Iran was charged with plotting the assassination of multiple U.S. politicians.

I could go on.

Given all of this, you would think Democrat leadership here in the Senate would have made our yearly Defense bills—the National Defense Authorization Act and our Defense appropriations bills which fund that act—a priority, but you would be wrong. We are 2 weeks away from the end of the fiscal year, and we haven't touched the National Defense Authorization Act since it was passed by the committee, much less touched the Defense appropriations bills.

And it is not because we have been passing a bunch of other substantive

pieces of legislation. Aside from the Kids Online Safety and Privacy Act, we have basically spent the entire summer confirming Biden nominees and taking show votes selected by the Democrat leader. As a result, the fiscal year will close and the new one begin without a Defense authorizing bill and without Defense appropriations bills. Instead, our military will have to continue operating under inadequate 2024 funding levels. Existing modernization projects will be delayed, and urgent new programs will be put off.

I haven't even talked about the message these delays send to our enemies. Anyone who thinks our enemies aren't emboldened by this careless attitude toward our national security needs to think again.

For that matter, what message do these delays send to our allies? I recently returned from a trip to Japan and South Korea, led by my colleague Senator HAGERTY, to build relationships and enhance trilateral cooperation. We stressed the imperative of investing in our mutual defense cooperation—a message that will be undercut by our putting defense legislation on the back burner. Likewise, our message to allies and partners around the world that they should take more seriously their own defense investments will be juxtaposed against our own inaction.

Needless to say, it didn't have to be this way. If the Democrat leader had been more interested in meeting Congress's basic responsibilities than in conducting show votes he hopes may win Democrats a few votes in November, we could have already passed not only the National Defense Authorization Act but the Defense appropriations bill that funds that act as well. As it is, thanks to the decisions of the Democrat leader, our military will have to wait at least until after the election. Meanwhile, our adversaries' efforts continue.

Mr. President, this isn't the first time in the Biden-Harris administration that Democrats have chosen to put our national defense on the back burner. While we don't know what the Senate or the Presidency will look like next year, I hope—I sincerely hope—that we will have leaders who take our national security a little more seriously because I suspect that if we don't, we will have cause—great cause—to regret it.

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.

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

The PRESIDING OFFICER (Mr. PADILLA). 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 bill 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. 778, Mary 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.

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 Mary Kathleen Costello, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from South Dakota (Mr. ROUNDS), the Senator from North Carolina (Mr. TILLIS), and the Senator from Ohio (Mr. VANCE).

Further, if present and voting: the Senator from North Carolina (Mr. TILLIS) would have voted "yea."

The yeas and nays resulted—yeas 54, nays 42, as follows:

[Rollcall Vote No. 241 Ex.]

YEAS—54

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

NAYS—42

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

NOT VOTING—4

Manchin
RoundsTillis
Vance

The PRESIDING OFFICER (Mr. HICKENLOOPER). On this vote, the yeas are 54, the nays are 42.

The motion is agreed to.

RECESS

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

Thereupon, the Senate, at 12:38 p.m. recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. Luján).

LEGISLATIVE SESSION

RIGHT TO IVF ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session and resume consideration of the motion to proceed to S. 4445, which 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.

The PRESIDING OFFICER. The Senator from Alabama.

UNANIMOUS CONSENT—S. 4368

Mrs. BRITT. Mr. President, I am proud today to be joining my colleague from Texas in support of the IVF Protection Act. I am grateful to Senator CRUZ for his leadership on this important topic.

Both Senator CRUZ and I are parents. We can both attest to the fact that there is no greater blessing in life than our children. For many Americans, building a family, becoming a mom or a dad—that is their American dream.

IVF makes the difference in achieving that dream for millions of Americans who are facing infertility. IVF helps aspiring parents to start families, to grow their family. In the United States, nearly 200 babies are born a day, so nearly 2 percent of all babies born are because of IVF.

This treatment is really a game changer for so many families; that is why I strongly support continued nationwide access to IVF. IVF is legal and available from coast to coast, in every single corner of America, and in all 50 States.

That includes my home State of Alabama, where Governor Ivey and the Alabama legislature acted quickly to protect IVF access.

Today, we have an opportunity to act quickly and overwhelmingly to protect continued nationwide IVF access for loving American families.

Our IVF Protection Act would do just that: It would give aspiring parents nationwide the certainty and peace of mind that IVF will remain legal and

available in every State. Our bill is the only bill that protects IVF access while safeguarding religious liberty.

It also could get 60 votes in the U.S. Senate, and isn't that the point? Yet we are going to have a show vote when we have been talking and saying that we want to protect access to IVF, but yet no one is working to actually get to the 60-vote threshold, which makes me wonder how serious my colleagues on the other side of the aisle are about this.

In an era of hyperpartisanship, this bill, the IVF Protection Act, should be the one that is on the floor today. This is the bill that will give aspiring parents confidence and continued hope that their dreams of bringing life into this world can come true.

Look, as I talk to families across Alabama and parents who are hopeful they can bring a child into this world, making sure that this process is protected and available is critically important.

However, this bill is not the one the Democrats are putting on the floor. This is not drafted in that way. It is drafted to be a partisan scare tactic in what we are going to see today. For example, it is not written in a way to narrowly cover IVF; it includes completely separate treatments and technology, even including human cloning.

Democrats are choosing to spread misinformation rather than fostering hope. The American people deserve better. The path forward is Senator CRUZ and my IVF Protection Act. Again, I want to applaud my colleague from Texas for his unwavering and continued support for nationwide IVF access.

While Democrats prioritize scaring families, Republicans will continue to fight for them. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, I want to thank my friend Senator BRITT for her powerful and passionate defense of in vitro fertilization. Senator BRITT has been an incredible partner as she and I have worked to pass landmark Federal legislation protecting IVF for every American.

I am proud to rise once again to speak on an issue that is personal and vital to millions of American families: the protection of in vitro fertilization. IVF is a medical miracle that has brought the joy of parenthood to millions of families who otherwise might never have experienced it.

I am an unequivocal supporter of protecting IVF, and I am grateful that IVF has given so many parents struggling with infertility the gift of finally holding a child, a baby, in their arms, finally having the opportunity to be a mother or a father and to raise a son or daughter and to give all of the love in a family that they so desperately want to give.

Today, unfortunately, my colleagues on the other side of the aisle are staging an empty show vote on what they call an IVF bill in order to stoke base-

less fears about IVF and push their broader political agenda.

Let's be clear, there is not a single Senator in this Chamber, on either side of the aisle, who wants to ban IVF. All 100 Senators, to the best of my knowledge, support IVF. Not a single one has called for banning it.

And yet I previously voted against the Democrats' partisan legislation because it is not an IVF bill. It is designed to backdoor and federalize broad abortion legislation, which I understand is the Democrats' partisan position, but it is contrary to the views of a great many Americans.

And the partisan Democrat bill also deliberately overturns the conscious protections of the Religious Freedom Restoration Act. You know, it is unfortunate that Democrats have abandoned what used to be a bipartisan commitment to religious liberty and they are now more than willing to overturn religious liberty protections.

Instead of pushing a partisan and, frankly, cynical agenda, I invite my Democratic colleagues to actually do what they claim they want to do, which is work with me today and stand together to pass clear Federal legislation protecting IVF.

IVF is profoundly pro-family. Over 8 million babies have been born through IVF, providing millions of American families the chance to embrace the joy of raising a child. It is an avenue of hope for those struggling with infertility.

Misconceptions and deliberate scare tactics from the Democrats about the legal standing of IVF will only serve to hurt families who are desperately trying to welcome a child into their lives.

What the American people deserve is straightforward, pro-IVF legislation. That is why my colleague Senator BRITT and I have introduced the IVF Protection Act, legislation that offers ironclad, Federal statutory protection for IVF.

Our bill does not engage in backdoor politics. It does not infringe on the deeply held beliefs of individuals or organizations. It simply does what needs to be done: safeguarding the right of couples to grow their family if they choose to use IVF. Because this should not be a political issue; instead, it is a deeply human issue.

Our bill unequivocally prohibits any State or local government from banning IVF, ensuring that no family will be caught in the crossfire of State-level judicial interpretations. It provides peace of mind to parents and to aspiring parents, while still allowing States to implement reasonable health and safety standards.

It ensures that access to IVF is fully protected by Federal law so that every family praying to have a child will be fully protected in their right to pursue parenthood.

This isn't just policy. It is a promise to honor and support your desire to welcome a new baby into your family.

I urge my colleagues on both sides of the aisle to support this bill. This is a