

Very simply, every one of those families, every American ought to have access to that miracle of life. Yet our Republican colleagues, even though their own constituents would tell them, if they were listening, about the reasons why IVF should be protected, have acted today, despite their words and their rhetoric, to block IVF protection.

This scientific miracle is so immensely important, it ought to be non-political, nonpartisan, noncontroversial. There ought to be unanimity.

And this vote is the second one. I believe in second chances. If we had wanted to be strictly political about this bill, we could have said: Well, no second chance here; we are going to take you on that first vote, because that would be the one politically advantageous. We gave them a second chance to get right on IVF, and they refused.

I am angry. I am disgusted. Most important, I am sad because this vote was an opportunity to tell American families: We are with you. We stand with you. We know how physically painful IVF is. We know how emotionally painful infertility can be. We know how great families want to build greater families with children who will serve our country, make it greater.

The callousness and cowardice of our Republican colleagues speak louder than words, and this vote will haunt them. It will haunt at the very least their consciences—or it should.

We have the courage to stand with the American families who need and deserve IVF.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Michigan.

**Ms. STABENOW.** Mr. President, first, I am so grateful to be here with colleagues who care deeply about protecting our reproductive freedoms and supporting families all across America. I want to thank Senator **PATTY MURRAY**, who has been our leader on this for many years.

It is just incredible to me that in 2024, we are standing here even having to talk about this. It is really incredible.

I just want to take us back to it because this Congress, Republicans have had 16 chances to protect reproductive freedom—over 16 chances—and every time, they have voted no. So today, once again, they block a bill to protect access to IVF for thousands of American families.

Now, we had this vote before, and then the former President said he changed his mind and he wanted to make IVF free and he wanted to force insurance companies to cover IVF. I thought, well, that is great. Let's come together in a bipartisan way to be able to move forward and protect this really important part of reproductive freedom. So we bring the bill up again.

Now, I assume that the former President was on the phone all last night calling our colleagues, calling all of our Republican colleagues—I mean,

like he did for his effort to block and kill the bipartisan border security bill. When he wanted to make sure that didn't go forward and he had an issue to run on, he was burning up the phones.

Well, given what he said to the American people about his now support for IVF, I assume he was burning up the phones last night. Well, if he was, it wasn't very effective. And, Mr. President, we know he wasn't. We know, when he really wants something, what he does. When he really wants something, he is calling the Speaker of the House to say: Don't support a bipartisan bill to continue the government; shut it down.

But I bet there wasn't one phone call made last night to support this effort to protect a woman's reproductive freedom and the freedom of families to grow their families.

Since the fall of Roe, Republicans have continued their assault on reproductive freedom: IVF; questions about birth control; of course, abortion access; and then a whole range of privacy questions for women in terms of what happens during their pregnancies.

We know that IVF is about allowing the freedom to have children. If you struggle with infertility, it gives you a way, an effective way, to start or grow a family. It has helped thousands of Americans, thousands of American children, including my friend Ellen, who now has a beautiful little boy, Carter. He just had his first birthday party not long ago. I mean, how could you not love that face? Carter is incredible, and we are all so excited for Ellen and for Carter. That is the miracle of IVF.

IVF has also helped Brittany from Holly, MI, start her family. 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 11 months old. What a blessing.

Despite the strain this journey put on her relationships, Brittany told me that every penny was worth it. "Every penny was worth it for our daughter. IVF has made our family complete."

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 school teacher, and her husband was deployed for months at a time. Her entire salary went towards the seven rounds of IVF that were needed to have a successful pregnancy. With insurance only paying for some of the medication, she spent over \$100,000 out of pocket on treatment to be able to have that baby. This journey put an emotional and financial strain on Sue and her husband, and that is surely not surprising, and this situation is not unique.

Our veterans and servicemembers sacrifice so much for our country. They

shouldn't have to sacrifice their ability to start or grow a family because these treatments aren't covered and politicians tell them they don't have that choice.

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 voting for the Right to IVF Act was a no-brainer for me. We need to protect this freedom, access to this opportunity for families. We need to expand and protect fertility treatments for our servicemembers and our veterans and cover adoption assistance. We need to cover and lower the cost of IVF treatments for all. We need to make sure women have the freedom to make our own reproductive decisions, not rightwing politicians, not judges.

When I hear the former President say that this was all about sending the decision back to the States rather than the Federal Government—no. This is about having individual women and their families make a decision. It doesn't matter if it is a Federal politician or a State politician; the point is, there should be no politician. It should be the woman and her family making those decisions, the woman herself making that decision about what will happen for her.

So that is what we are fighting for, and we are not going to stop fighting for that. In America, we had that freedom for over 50 years, and it got ripped away by Donald Trump and the appointments he made to the U.S. Supreme Court. Now it has just unleashed all kinds of harm, all kinds of damage for women, and death, because of the fact that some folks think they can control women's lives.

I am incredibly disappointed that our Republican colleagues did not join us today in protecting this important freedom.

I yield the floor.

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

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

**Mr. DURBIN.** Mr. President, I move to proceed to executive session to consider Calendar No. 700.

**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 Rose E. Jenkins, of the District of Columbia, to be a Judge of the United States Tax Court for a term of fifteen years.

## CLOTURE MOTION

Mr. DURBIN. 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 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. 700, Rose E. Jenkins, of the District of Columbia, to be a Judge of the United States Tax Court for a term of fifteen years.

Ron Wyden, Alex Padilla, Debbie Stabenow, Catherine Cortez Masto, Mark Kelly, Jack Reed, Tim Kaine, John W. Hickenlooper, Christopher Murphy, Robert P. Casey, Jr., Richard Blumenthal, Benjamin L. Cardin, Christopher A. Coons, Margaret Wood Hassan, Chris Van Hollen, Tammy Baldwin, Tina Smith.

Mr. DURBIN. I ask unanimous consent that the mandatory quorum call for the cloture motion filed today, September 17, be waived.

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

## EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, on behalf of the majority leader, I ask the Chair to execute the order from yesterday with respect to the confirmation vote on the Costello nomination.

## NOMINATION OF MARY KAY COSTELLO

Mr. DURBIN. Mr. President, today the Senate will vote to confirm Mary Kay Costello to the U.S. District Court for the Eastern District of Pennsylvania.

From 1986 to 1994, Ms. Costello served as a staff sergeant in the U.S. Air Force. She then earned her B.A. from Temple University and her J.D. from Temple University Beasley School of Law.

After completing law school, she began her legal career in private practice as a litigation associate with Saul Ewing LLP, then moved to Akin Gump Strauss Hauer & Feld in 2004. While in private practice, she handled a range of commercial litigation matters.

Since 2008, Ms. Costello has served as an assistant U.S. attorney in the criminal division of the U.S. Attorney's Office for the Eastern District of Pennsylvania. She is currently assigned to the public corruption and civil rights unit, and she previously served in the healthcare fraud and government fraud unit and the consumer and commercial fraud unit. She has prosecuted criminal cases involving bribery, drug diversion schemes, and schemes to defraud the government, including successful prosecutions in several illegal drug distribution cases involving "pill mills."

Over the course of her legal career, Ms. Costello has tried 11 cases to verdict, all of which were before a jury.

Ms. Costello has the strong support of both of her home State Senators,

Mr. CASEY and Mr. FETTERMAN, and the American Bar Association unanimously rated her as "well qualified."

Ms. Costello is a highly accomplished litigator whose breadth of experience and dedication to service make her an outstanding nominee to the Eastern District of Pennsylvania. I urge my colleagues to join me in supporting her nomination.

## VOTE ON COSTELLO NOMINATION

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

Mr. DURBIN. 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from West Virginia (Mr. MANCHIN), and the Senator from Oregon (Mr. WYDEN), are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Arkansas (Mr. COTTON), 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 result was announced—yeas 52, nays 41, as follows:

[Rollcall Vote No. 243 Ex.]

## YEAS—52

Baldwin	Heinrich	Romney
Bennet	Helmy	Rosen
Blumenthal	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	
Hassan	Reed	

## NAYS—41

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

## NOT VOTING—7

Booker	Rounds	Wyden
Cotton	Tillis	
Manchin	Vance	

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the mo-

tion 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 Texas.

SOUTHERN BORDER  
TRANSPARENCY ACT OF 2023

Mr. CORNYN. Mr. President, the Biden-Harris apparent strategy for handling the massive influx of migrants on the southern border has been to funnel them into allegedly temporary parole programs and act like the Biden-Harris border crisis has been resolved. Far from it.

There is little public data on the number of people who have actually been released into the United States under these programs, whether they are making asylum claims, or whether their claims were being evaluated in any way before they are being released, or whether they ever leave the country or remain indefinitely.

The administration has gone to great lengths to hide the ball when it comes to levels of illegal immigration. But the American people deserve to know exactly how many migrants are being released into the country and exactly on what terms.

That is why I led the Southern Border Transparency Act, which would shine a bright light on the catch-and-release policies of the administration by requiring the Department of Homeland Security to fully report on how it handles migrants encountered at the southern border.

This is the most basic of transparency measures—just the facts, that is all we are looking for. And anyone who supports securing the southern border can support this legislation.

I appreciate Senator GRASSLEY's leadership on this issue, and I hope the Senate can advance this bill today.

Mr. President, as if in legislative session, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3187 and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3187) to require the Department of Homeland Security to publish various publications and reports regarding the number of aliens seeking entry along the southern border of the United States.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. CORNYN. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 3187) was ordered to be engrossed for a third reading, was read the third time, and passed as follows: