

## 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

and protect fertility treatments for our servicemembers and our veterans and cover adoption assistance, which is in this bill. We need to lower the cost of IVF for everyone, and we need to make sure women have the freedom to make our own reproductive decisions—not rightwing politicians, not judges.

That is why we must pass the Right to IVF Act, and it needs to be done today.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. I rise to join my colleagues here. I want to thank my colleague from Washington, Senator MURRAY, for her leadership and so many others who are here on the floor today.

I come to speak also about the Right to IVF Act and want to say how important it is that my colleagues on both sides of the aisle support this.

I want to take one minute, though, to talk about the important decision the Supreme Court just made on mifepristone. It is so important because 60 percent of abortions in the State of Washington are done with this drug. It is a highly safe and effective medication used by millions of Americans. And the Court ruled on standing alone. It didn't reach any conclusion about the ludicrous arguments that the plaintiffs were making.

So America should not rest on this decision because anti-choice activists are going to keep using the courts to target abortion. It is just another reminder of why we have to fight for reproductive freedom and why we can't rest.

I also, though, want to talk about how important it is to support the legislation in front of us. Every American should have a chance to use fertility treatments to bring new life into this world and to become a parent. This opportunity wasn't always available. The first child conceived through IVF was born in 1978. That was an era of major advances and new freedoms for women: the right to have your own credit cards, the right to choose to have your access to an abortion and when you start your family, the right not to be discriminated against in so many ways.

Today, nearly half a century after IVF, it is safe, it is well-established, and many, many, many American families rely on it. In fact, more than 2 percent of all children born in the United States are born as a result of IVF. We have IVF to thank for over 2,000 new lives created in the State of Washington just in 2022.

IVF brings new life into the world and helps families start their families, and it shouldn't be controversial. That is why I can't believe that we have to take this action today because there are those who are trying to take this hard-won right away from families, to take away their reproductive rights and their freedoms.

Since the Dobbs decision revoked the constitutional right to abortion, we have seen waves and waves of different

things that affect our healthcare. In February, in Alabama, the State supreme court shockingly ruled that frozen embryos legally have the same rights as living children. That forced IVF clinics in the State to temporarily halt their services. One can only guess why they halted those services.

At a Pacific Northwest facility in Seattle, a reproductive endocrinologist said her office got a wave of phone calls from fertility patients wanting to move embryos there, to the Northwest, after the Alabama ruling. They were terrified that the ruling could cause complications for the embryos and the future of their IVF process. The doctors said there is an increase in cost, in complexity, and the risk of damage to embryos associated with moving them because of the possibility of threats to IVF access.

I have heard so many stories from my own constituents and that of Senator MURRAY's. A mother from Kirkland told me she gave birth to a baby boy after 4 years of fertility treatments, but she is afraid that the future in States might force people like her to remain without that option.

A Spanaway mom of a 19-month-old conceived through IVF asked me to protect IVF so that everyone can choose—everyone gets to choose—when they start their family.

Grandparents from Bremerton of an IVF baby wanted me to know that, during the IVF process, everything—everything, everything—is time-sensitive.

But rulings like Alabama's throw the process into chaos, potentially, permanently ripping away the prospects for these couples of having children.

A Vancouver woman struggling with infertility due to scarring in her abdomen pointed out that IVF is science, and courts and legislators shouldn't be interfering with it.

A woman in Everett, currently going through the IVF process for her second child, urged me to ensure everyone has access to those treatments.

My constituents are right. Congress needs to act today to expand and protect the access to IVF.

While it is safe and common, the IVF process still is stressful. It is still expensive. And that is why the possibility of activists going to court in an overzealous, anti-choice State and getting involved in these choices is not what we should support. We should support making sure that this right is protected. We can't have this continued attack on reproductive healthcare in the United States of America.

The bill we are voting on today would establish the right to access IVF. It also would expand insurance coverage, which is incredibly expensive. Just one cycle can cost between \$15,000 and \$30,000, and many women require more than one cycle. So that cost can be as high as \$60,000.

It would also allow our veterans to help preserve their opportunities.

In February, this Chamber tried to pass a narrow bill codifying the right to access IVF, and it was blocked.

My colleagues on the other side of the aisle claim reproductive freedom isn't under attack. Trust me. Come to the State of Washington, where we have codified these rights. We are seeing this happen. Physicians are moving to our State because they are not sure, if they go home across the Idaho border, that they are not going to get arrested. Women are coming over to get treatment, not sure if they can get back to their State.

The system is more clogged because more people are coming there because we provide the care. All of this is making the system harder to deliver the important things.

I should just say that people aren't even thinking of the two collision courses here, where the vertical integration of healthcare is making it harder and harder for people like gynecologists to even stay in business. And now we are making it harder and harder on States that are the ones who are carrying the burden of upholding reproductive rights.

I ask my colleagues to support this important measure. Let's make sure Americans have the freedom to decide for themselves when and how to have children, and let's put this to rest. Let's give Americans the certainty that fertility treatments in America are part of your healthcare delivery system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HICKENLOOPER. Mr. President, this is my son Jack, who I think you know. Every time I look at him, I remember the doctor telling my wife Robin and me that we had literally a one-in-a-million chance of naturally conceiving a child—a one-in-a-million chance.

Like so many other couples in America, we had experienced a family health issue that would make having a child very difficult and exceedingly unlikely—all but impossible. You don't know how hard it is to hear something so definitive, so final until you are in that situation. It was the end of a dream we had to create a child together, to grow our little family—our family that, like so many others, didn't have the usual path to this point, the usual path that makes having children without medical help all but certain.

But regardless of what the doctor was telling us, we knew that we would welcome a child with more love and care than I could ever put into words, if we only had the chance.

If red States like Alabama had their way, Robin's and my story would have ended there, in inconsolable heartbreak and what might have been, what should have been. Thankfully for us, we don't live in an America as envisioned by MAGA Republican extremists in Alabama.

The one-in-a-million odds weren't the end of our dream. It was just the start of a new part. That part was called in

vitro fertilization. It is not an easy process. It comes with its ups and downs, its uncertainties, and tremendous cost, both economic and emotional. But it meant our dream could still come true.

And in December 2022, my wife and I welcomed this amazing little man, Jack Hickenlooper, into our family. In vitro gave us what we hoped for. It gave us our one in a million. And we are not the only ones. In 2022 alone, more than 2,300 babies were born in Colorado through fertility services. Across the country, it was nearly 100,000 families. Now, so many families like ours are cherishing the sacred experience of staring into your own child's eyes—when they take off the sunglasses—and of that child staring back.

Every family should have that same opportunity. And to restrict that opportunity in some States but not in others, or for some people but not for others, is nothing more than anti-American. Aren't we the country that stands for equality and freedom?

We are standing here voting on this today because the Supreme Court overturned *Roe v. Wade*, seizing the rights of millions of women, same-sex couples, and families like our own in the process.

Don't take my word for it. Look at Alabama. We have already seen in vitro services stopped cold in the State of Alabama.

That is not all. In the aftermath of the *Roe* decision, we have seen red States and MAGA Republicans trying to roll back the rights to abortion, to in vitro, and even contraception—banning contraception in America in 2024.

The door is open right now for all of us to show our constituents that American families are more important than playing politics. I certainly hope we all do.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. I want to thank Senator MURRAY for her leadership on this issue. I thank my colleague Senator TAMMY DUCKWORTH.

I first met TAMMY DUCKWORTH about 12 years ago. She was my guest at a State of the Union Address. She was a patient at Walter Reed Hospital. She was recovering from the wounds which she incurred in a combat helicopter, fighting for the United States of America.

What happened to her is unimaginable. A terrorist shot a rocket-propelled grenade into the cockpit of her helicopter, and it landed in her lap. She lost her left leg as a result of it and went through at least a year, maybe more, at Walter Reed Hospital, patching her up, saving her arm, thank goodness, and giving her the kind of guidance she needed to lead a life.

When I met her, I knew she was an extraordinary person, an extraordinary American. I didn't know how extraordinary until I called her one day and

said: Would you consider running for office? In a moment of weakness, she says, with medication, she answered yes.

I watched her elected to the U.S. House of Representatives and to the U.S. Senate. She has become more than just a colleague. She is a friend I dearly love. I believe we are lucky to have her in the Nation and in the U.S. Senate.

She made a phone call to me about 8 years ago. I remember it so well. I was driving on Interstate 55 up to Bloomington for a meeting, and it was TAMMY that gave me some news.

I said: What is up, TAMMY?

She said: I am going to have a baby.

You could have knocked me over with a feather. I couldn't believe it. After all she had been through—losing a leg, going through a year or more at Walter Reed Hospital—she and her husband Brian finally had a dream come true. Through in vitro fertilization, she was going to have a baby girl. It was a miracle. I couldn't believe it. Yet it did happen.

We had to change the rules of the Senate so TAMMY DUCKWORTH, the first woman Senator to have a child while serving in the Senate, could bring her baby on the floor of the Senate. We have a special rule for that. But it meant so much for her to let her little girl have that experience that we changed the rules.

The reason I tell you that story is it could be repeated over and over thousands and thousands of times. In vitro fertilization is the ticket for military servicemembers and veterans like TAMMY DUCKWORTH to have the joy of a child. In fact, she has had a second child through IVF. And with that joy, she showed that she cannot only be a great Senator and a great wife, but a terrific mother too.

What is at stake here is privacy and freedom—privacy and freedom—as to whether we as Americans are going to respect one another in making these fundamental human decisions. There are politicians in this Chamber as well as in legislatures across the country who want to make that decision for your family. Don't let them take that away from you.

That is why this vote is so critically important. What we are guaranteeing is the privacy and freedom of individuals and families who want to choose IVF to start or expand their families. That is just common sense.

If you are pro-choice, protect the choice to use IVF to expand your family. If you are pro-life, protect the life that comes out of that process. It becomes such a critical part of your own life.

I listened to Senator HICKENLOOPER. I met Jack. He is worth all the effort and pain they went through. People like Senator HICKENLOOPER and his wife Robin should have that opportunity, and we should protect it. Let's make sure we do.

Vote yes on this proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, when I introduced the Women's Health Protection Act a little more than 10 years ago, the idea that *Roe v. Wade* might be reversed was unthinkable—in fact, unimaginable. We are living now in the post-Dobbs era, which is one of horror and heartbreak for women across the country.

Let's be very clear that the ramifications in our law, in our families, in bedrooms of Americans are widespread and real. The Alabama Supreme Court's ruling is absolutely horrifying to women and families who want IVF to give them the miracle of childbirth, the wondrous magic of a new life as part of their family.

Now, a lot of people are going to look to today's Supreme Court decision and say: Isn't it comforting? No, it is not. This decision on mifepristone was made on a legal technicality. It does nothing to restore the reproductive rights and access to abortion that the Supreme Court dismantled in *Dobbs*, and it does nothing to reassure families that IVF will be accessible and affordable to them. That is why we need the Right to IVF Act—to reassure Lisa, who lives in Norwalk, CT, who has a healthy and happy baby girl as a result of IVF and cannot imagine life without it. Families like Lisa's wouldn't exist if it weren't for IVF, and many will not exist if we do not pass this measure.

Those who vote against this measure are not in favor of life; they are anti-women, anti-choice, anti-science. This miracle is the result of scientific advance.

I am going to close by just recalling a trip that I recently took to Normandy on the 80th anniversary of D-Day. Walking through the American cemetery, row upon row of gravestones, white, silently eloquent testimony to the importance of freedom and the American determination to expand freedom and liberty across our country and the world, and then to walk on Omaha Beach and see the absolutely insurmountable, three-football-field-long terrain that those soldiers had to confront and overcome on D-Day. I would guess that few, if any, of those young men knew of *Roe v. Wade*—they were kids, 17 and 18 years old, had never been away from home before, farm boys, mechanics—but they knew they were fighting for freedom. That is why they jumped into that 8 feet of water, under a hail of bullets and mortar fire, fighting for the ideal that America respects and expands the frontiers of freedom.

If we have one-tenth, one-hundredth of their courage and determination, today this body will vote for the Right to IVF Act because it is about freedom.

One Justice of the Supreme Court called the right of privacy “the right to be let alone,” and that is what American families want—the right to

be let alone from politicians or government bureaucrats telling them what to do with their families.

We owe it to Americans. We owe it to the great tradition of our veterans of military service, to all who have given their lives to preserve America, the ideal and the beacon of freedom around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise in support of the Right to IVF Act, and I want to thank Senator MURRAY, who is here, and Senators DUCKWORTH, BOOKER, and SCHUMER for their leadership on this bill. I am proud to be a cosponsor.

We all know why we are here. We are all here in part because the Supreme Court made a wildly unprecedented decision in the Dobbs case. They threw out decades of precedence, making it the case that my daughter has less rights today than her mom or her grandma did. The ruling goes against the wishes of between 70 and 80 percent of Americans.

In the wake of the disastrous ruling, extremist judges have attempted to undermine IVF and even criminalize doctors for simply doing their jobs. Twenty-one States have fully or partially banned abortion. The number of U.S. patients traveling to other States for care has skyrocketed to one in five. I know because they are coming to Minnesota from North Dakota and South Dakota.

But it wasn't enough for them to just mess with a women's right to decide her own healthcare, no. Now they are trying to control when you choose to start a family. We saw this happen earlier this year in Alabama, where the State supreme court brought IVF procedures in the State to a screeching halt. This is merely the latest instance of the chaos and cruelty that have been unleashed since the Dobbs decision.

We know what a miracle IVF is. You just saw Senator HICKENLOOPER's adorable little boy. IVF is a miracle for millions of families who can't otherwise have children, and no politician and no court should interfere.

Since 1978, over 8 million children have been born due to fertility treatments like IVF. In 2022 alone, more than 1,800 babies were born in Minnesota, in my home State, thanks to IVF. That is why we are fighting to protect these rights.

I am thinking of Miraya and Meta, whom I met this morning, two Minnesota moms. They are with us. They both became parents through the miracle of IVF.

Meta said: I am the proud mother of twin girls, but without IVF and my ability to access treatment, they would not be here today. Our twins are now almost 8 years old, and I cannot imagine my life without them. They are incredible humans who are already bringing so much love, joy, and hope into the world.

That is why, along with Senators DUCKWORTH, MURRAY, BOOKER, and SCHUMER, I am calling on our colleagues to pass the Right to IVF Act. This legislation is hardly a radical proposal. It simply ensures that families can be in the driver's seat when it comes to family planning, not people who want to strip away the rights of those who have them.

This bill safeguards a patient's ability to seek IVF and a healthcare provider's ability to provide these critical services. It ensures that our veterans can choose if, when, and how to start their families. Because the kind of healthcare insurance you have shouldn't determine whether your family can access the miracle of IVF, the bill requires health insurance carriers to cover fertility treatments.

For these last years, we have seen complete chaos, a patchwork of laws across the country. What this bill does is protect freedom, protect the right to start a family.

We all have an opportunity today to make clear where we stand, and I call on our colleagues to join us. The American people overwhelmingly support this bill. Let's get it done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, nearly one in five American couples has trouble conceiving, and many of them turn to IVF for help. In the year 2021, more than 85,000 babies were created using this miraculous procedure—truly a miracle. Yet they will also tell you, these parents, that undergoing treatment is hard and long and painful and challenging and expensive and emotionally and physically draining. It is often a last resort. After a long journey of failed attempts, they talk to their doctor, and their doctor says: Would you like to try this? And even that is going to be super expensive and maybe not work. One in five families experiences this trouble, and there is this miraculous treatment that can help you to start a family.

So let's be really clear about what the so-called pro-life movement is about here. It is not about life at all. In this instance, it is specifically about assigning the rights of a fully formed human being to a fertilized embryo in a petri dish so that they can control females—so that they can control females. That is exactly what this is about.

Look, there is a fair amount of spin going around Washington—more than usual—because Republicans understand how angry families are, how angry people who are not yet able to conceive are, and so they are trying to get people to believe something other than their own eyes and their own experience.

But here is the beauty of this place: We talk and talk and talk and talk and talk, and then we vote. There is one opportunity and one opportunity only to enshrine the right to IVF in Federal statutory law.

I don't care what you tweeted. I don't care what you said on cable news. I don't care what the memo from the campaign arm of the Republican National Committee says. In a few minutes, we will know the official position of the Republican conference on IVF, and the Susan B. Anthony list and the MAGA Court and these extreme forces in our society are going to show that the Republican Party is not for IVF.

I wish it were different. I wish we could pass this law. But the beauty of the Senate floor is that everybody will be on the record by the end of the afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. WELCH. Mr. President, I rise in support of this legislation. I thank my colleagues, Senator MURRAY, Senator BOOKER, and Senator DUCKWORTH.

You know, there are two things. One is good news, and one is bad news. I will start with the bad news.

We have a terrible U.S. Supreme Court. It will live in infamy for many reasons but none more than an ignominious decision that took away constitutional rights that American citizens enjoyed. They stripped women of their right to choose. Enormously bad consequences. It has created an incentive for folks who have their views to try to impose them on others, and we saw that in Alabama with their effort to prohibit people from having access to in vitro fertilization.

But there is good news. The good news: our American families, couples who want to have a child, who are so excited about taking on that challenge of loving this new person and caring for them through their infancy, through their adolescence, looking forward to when they themselves will be grandparents. That is the good news.

In 2022, 91,000 infants, through IVF, came into these families, so those couples have that opportunity to have this place to give the love that is within them that they can now express, having this child. That is really the good news here. So, yeah, I am upset about the Supreme Court, but I am so excited about American families that want to make this decision and have IVF as an option for them to be able to realize their dreams of giving love to this new person in the world.

Now, our Republican colleagues are saying that this is a show vote so why pay attention to it. Well, you know what, they are right. They are right. It is a vote to show that we want to make certain, with the power of the U.S. Congress, that the decision a family wants to make about trying to conceive through IVF is protected; that they have the capacity to take advantage of the best medicine that is out there to realize that dream that is a dream about life. And what is wrong with showing the people of the United States that each and every one of us in the U.S. Senate wants to not only show that we respect and honor the decision

those citizens are making, but with the power invested in us as U.S. Senators, we are going to use the authority of our vote to guarantee they have that right?

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, thank you to Senator DUCKWORTH for her leadership today on the floor.

In February, the Alabama Supreme Court placed the medical procedure that has helped millions of Americans realize their dream of having children, in vitro fertilization, or IVF, at risk. The Alabama judges used the Supreme Court's decision in the Dobbs case to justify their argument.

These extremist judges showed the American people that the Dobbs case was never just about abortion. Dobbs was a preview of coming atrocities, and the Supreme Court majority declared open season on American reproductive freedom.

And Republicans got to work. States passed immediate and overbroad abortion bans; peeled back protections for access to birth control, IUDs, and Plan B; and put access to IVF at risk. They created confusing, restrictive, and punitive schemes across States and threatened to jail patients and providers.

And they aren't finished. Republicans don't have to pass a national ban on abortion, birth control, or IVF to effectively achieve that goal. Confusion, misinformation, and fear are the point. In some States, they make it so difficult and so terrifying to get reproductive care that it is like it is already banned.

But in creating this chaos, Republicans have made clear their intentions and their position: Republicans will not protect the right to an abortion; Republicans will not protect the right to birth control; and Republicans will not protect the right to start a family.

Republicans will try to hide their extremism and say they support contraception and IVF, but we are calling their bluff.

Given the chance to protect access to contraception, they voted no. And today, given the chance to vote to protect IVF, they will vote no.

Republicans will continue to pursue their anti-choice, anti-freedom, and show the American people what "GOP" really stands for: Gutting Our Protections. The GOP are so offended by bodily autonomy that they would rather follow the extremism of the few than the will of the majority of American people who want their reproductive rights protected.

We must meet the clarity of their extremism with the clarity of justice. We will fight for reproductive freedom. We will fight for national protections for abortion, birth control, and IVF. We will keep putting them on the record, and we will guarantee that they are held accountable to the American people who will not forget who tossed

away their freedom in pursuit of radical rightwing extremism.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, the Right to IVF Act is simple. It says that all Americans should have access to the tools that they need to start a family, no matter where they live or how much they earn or whether they serve in the military.

That all sounds obvious. We shouldn't even need this bill, but we do need this bill. We need this bill because a judge in Alabama ruled that an embryo that is created by basic assistive reproductive technologies like IVF can be considered children. And that even if embryos aren't viable, an IVF provider could be held liable for manslaughter or murder if anything happens to those embryos.

We need this bill because the cost for a single round of IVF is enough to bankrupt a family, let alone two or three or four rounds, and many parents are forced to bear all of those costs out-of-pocket. A constituent in Oregon said:

Most fertility treatments are considered "elective" by insurance companies. I never elected to have a deformed uterus and fallopian tubes.

Another parent in Oregon who was a public servant for 22 years added up the out-of-pocket costs:

\$9,000 to see the Reproductive Endocrinologist, \$2,000 for consultation and diagnostic testing . . . \$7,000 for medications . . . \$3,000 for cryo-preservation and storage fees . . . \$5- to 7,000 for genetic testing . . . \$2- to 3,000 for embryo transfer.

Then, we hope and pray it works. If not, then we do a second round. Again, all cash. Our insurance benefits do not cover ANY infertility treatments. We have nothing left.

This is unacceptable. Fertility treatments are medical care that should be covered by insurance, full stop. We need this bill because many of our military servicemembers and veterans have been wounded and lost the ability to conceive, and many more are deployed to dangerous combat zones right now. Infertility rates for our members of the military can be up to three times higher than the rest of the population. They protect our families. Let us protect their ability to have a family and guarantee they have access to IVF and the other fertility care they need.

And we need this bill because, as we celebrate the month of June as Pride Month, we know that many of our LGBTQ+ friends and family members rely on IVF to conceive.

We shouldn't need this bill, but we do, to protect IVF providers, to cover IVF costs, protect the ability of members of our military, LGBTQ community to start a family.

Anyone who has been through IVF knows that someone who is willing to endure the long and heart-wrenching process that involves truly wants to become a parent, to have children, to raise a family. And we should do all we can to support that.

So I urge my Republican colleagues to reconsider. Instead of being so anti-family, instead of denying the ability of our community members to have children, join us in this protection.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I rise and want to thank my colleague from Washington State who has been leading on these issues for years and years and my friend from Illinois. And what I am going to do just briefly, my colleagues have been so eloquent, is talk about why Senator DUCKWORTH's legislation is so important at this crucial time. It is absolutely essential that we pass the Duckworth bill.

And as far as I am concerned, I am prepared to stay on this floor—I mentioned this to my colleague—for as long as it takes. We are just going to stay at it until we get this done. And the reason I feel so strongly about this is, several decades ago, as a young Member of the Congress—the other body, the House, with a full head of hair and rugged good looks—I wrote a law called the Fertility Clinic Success Rate and Certification Act. It was supported by the profession. It was supported by patient groups.

And I never imagined, after we passed that law, that people would be out here on the floor of the U.S. Senate trying to unravel the progress that has been made. And when we passed it, it was all about some simple ideas, particularly clarity for the families trying to navigate the system. It was largely information.

It was a new technology then, decades ago. It is not now. Now it is proven. Families rejoice being able to use it.

And never did I imagine that we would have an effort on the floor of the U.S. Senate trying to turn back the clock, trying to unravel the progress that has been made. That is what Senator MURRAY and Senator DUCKWORTH are taking on: a rearguard action to turn back the clock and unravel the progress that has been made for so many families.

And, unfortunately, this is kind of where we have been for a while, trying to unravel the progress with respect to contraceptives, trying to unravel the progress with mifepristone. We will have more to talk about all of this.

But the court ruling out of Alabama earlier this year would have effectively turned back the progress, made IVF impossible. And since then, we have seen the far right, as my colleagues have said, trying to build on the effort to take away our freedom.

And none of this seemed to me, Senator DUCKWORTH, imaginable several decades ago when people were rejoicing because they knew how to navigate the system and get information, figure out what providers were right for them, and it worked so well, as it does today.

And your bill is absolutely essential business for the Senate. I would just

say to my colleagues here: Do not vote to unravel all of this progress that families rejoice in. Support the Duckworth legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I am the Senator from Delaware, and I am joined by my colleague from Delaware. And one of the things that has long distinguished Delaware—it was one of the first States in the whole country where, because of her personal experience with IVF, a former Republican, Delaware insurance commissioner, helped drive through mandatory insurance coverage for IVF in the State of Delaware years ago. The idea that today we would be on the floor of the Senate advocating on behalf of Senator DUCKWORTH's bill to put in law protections, the right to access IVF, would have been unthinkable.

I still remember, as someone hoping to become a parent, struggling with the challenge of working through difficulties that we as a couple faced in becoming pregnant and talking all the time to friends and neighbors and others who were going through similar challenges. There is nothing more important in life than being a parent. And sometimes all of these activities and debates here on the floor don't connect. People have a hard time understanding why this matters. One of the reasons I am so thrilled that Senator DUCKWORTH is leading this effort here on the floor today is it is easy to understand. Because of her service to our Nation, because of her grievous wounds in combat is why, perhaps, this is so important to her and her family.

But I wanted to share the story of a Delawarean, and I am so grateful she has allowed me to share her story today.

Lindsay Griffin was diagnosed with Stage IV endometriosis, which prevented her from ever conceiving naturally. Lindsay and her husband were determined to become parents. And like so many of us, knew that it would be expensive and difficult and take a long time. They even took out a \$25,000 loan to pay for IVF.

Lindsay endured procedure after procedure, surgeries, embryo transfers, even the loss of a pregnancy. Now, today, years later, they are parents to two healthy boys, 7 and 2.

Why would we in this country put this blessing of parenthood for so many in Delaware and Illinois and throughout our Nation at risk? It is already hard enough.

Today, Lindsay and her husband are blessed with two children. But in States like Alabama, far-right lawmakers and judges have already tried to deny families this precious gift.

The vast majority of Americans want us to pass this bill today, want us to protect the right to IVF. Eighty-six percent of Americans in a recent poll want us to do this. So why is this even controversial? In the best of cir-

cumstances, the journey to the blessing of parenthood is difficult. The journey to the blessing of parenthood through IVF is incredibly hard: emotionally, financially, physically.

Let's stand up for families for the common and shared principle that the blessing of parenting should not in any way be barred by threats to the procedure of in vitro fertilization. I stand before you today as someone committed to protecting IVF in Delaware, in this Congress, in this Nation.

The PRESIDING OFFICER (Ms. BALDWIN). The junior Senator from Hawaii.

Ms. HIRONO. Madam President, as we approach the 2-year anniversary of the disastrous Dobbs decision, I am struck by the chaos it has sown across our country.

Last week, on this floor, I was joined by a number of my Democratic colleagues in speaking out against the Republicans' attacks on contraception. Despite the relentless attacks from my colleagues across the aisle that they actually support the right to contraception, when it came down to it, nearly every single Republican voted against a bill protecting the right to contraception.

Today, I rise in defense of another tool that has helped millions of people across our country start or grow their families. This tool is called in vitro fertilization. For decades, IVF and other assisted reproductive technologies—or ART—have helped people who otherwise couldn't start families of their own.

While some on the right like to paint IVF as some sort of new or untested technology, that is not so. The first baby delivered via IVF was more than 45 years ago, and since then, IVF has helped bring more than 10 million babies—10 million babies—into this world. In fact, as a State representative in the Hawaii Legislature in the 1980s, I led the passage of a bill making Hawaii one of the first States in the Nation to require health insurers to cover IVF treatment. That was in 1987, years before the iPhone, before email, before some of my colleagues in Congress were even born. And earlier this year, I met Dr. Lori Kamemoto, an OBGYN who helped deliver the first baby born in Hawaii via IVF.

And yet, thanks to the chaos created by Dobbs, a whole range of reproductive rights are on the chopping block. Look at Alabama, where the State supreme court invoked a fetal personhood law to call into question the legality of IVF, effectively halting IVF treatments in the State. In this Chamber, earlier this year, Republicans blocked our attempts in passing a bill protecting IVF.

The impacts of these concerted attacks are being felt far beyond the red States. In Hawaii, a doctor who practices in the OB-GYN field on Oahu reported that he "[O]bserved an increasing level of anxiety among both [his] fertility patients and staff." So Hawaii

being one of the first States to protect IVF and promote IVF, this doctor is saying that even his patients are seeing the impact of all of these attacks on our reproductive rights.

IVF is a complicated process as it is, even under the best of circumstances. The last thing people trying to conceive need to worry about is being criminalized by some of the States I mentioned—Alabama—because of the whims of far-right jurists and politicians.

That is why this bill is so important. It would establish a nationwide right for patients to access IVF and other ART services and a right for doctors to provide IVF treatment. And, crucially, it would require and expand health insurance coverage of IVF because we know access without affordability is not true access. But my Republican colleagues appear blinded by their obsession with power and control over women's bodies that they are unable to support even this commonsense bill—again, indicating how out of touch Republicans are about the needs of particularly women in our country. It is disappointing, but not surprising. They continue to show us just how out of step they are with the American people.

So today, the Democrats will vote to protect the right to IVF as we continue working to ensure people can make decisions about their bodies, their lives, and their futures—free from government interference.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Delaware.

Mr. CARPER. Madam President, as many of our colleagues know, I am the proud father of two sons and a stepson. It has been the joy of my life to be their father. My wife and I love them all unconditionally.

But the journey to parenthood is not the same for every family, nor always an easy one. Being the last Vietnam veteran serving in the U.S. Senate, I know the importance of helping our servicemembers when they return home from deployment abroad.

During my three deployments to Southeast Asia many years ago, many of my brothers in combat shared dreams of coming home to marry and start families of their own. But those who made it home from Southeast Asia, as well as other war zones past and present, have often struggled with health issues for years to come, including infertility.

While IVF was not an option for returning Vietnam veterans, had it been available, I know it would have helped countless young couples start their families in the country they fought so hard to protect. We have an obligation to serve those who serve our country, and this bill does just that.

The Right to IVF Act is a commonsense piece of legislation, and bringing more life into this world should be an issue that all of us can agree on.

I urge all of our colleagues to join us today in passing this legislation before us.



With that, I yield the floor.

The PRESIDING OFFICER. The junior Senator from Minnesota.

Ms. SMITH. Madam President, I rise today to urge my colleagues to vote in favor of the Right to IVF Act. So here is something that is close to a miracle. People who have struggled and struggled to have children are able today, through the very best science and medicine, to conceive and to bring a child into the world. It is incredible; it is a blessing.

In 2021, more than 86,000 babies born in America were conceived through IVF. And in my home State of Minnesota, I have heard from so many of my constituents who have struggled with infertility and who wouldn't have children but for IVF. So today, we have the opportunity to vote on a bill that protects us. Our bill is straightforward in its purpose. It would establish a clear and enforceable nationwide right for people to receive IVF, for doctors to provide IVF, and for health insurance to cover IVF.

So if you live in a State where a Republican State legislature passes a law infringing on IVF, that would be stopped by our bill. If you get your health insurance through your employer, your health insurance would cover your care. If you are a service-member or a veteran, as my colleague Senator CARPER said, you are covered—same for Federal employees. And if you get your health insurance through Medicaid, which covers 40 percent of the births in this country, you are covered.

So you may be asking: Who could disagree with this? It is a good question. And here is the reality. Since the extremist Supreme Court Justices—appointed by Donald Trump and confirmed by Senate Republicans—since they overturned Roe, Trump abortion bans across the country have sown chaos and confusion. And they have emboldened States that have created this chilling effect on reproductive healthcare and emboldened States like Alabama to restrict IVF.

Now, if my colleagues on the other side want to protect IVF, if they believe that doctors and providers should be able to provide IVF without fear of criminal prosecution, then they would vote for our bill.

Colleagues, I hope that Republicans will vote with us to proceed on our bill so that we can make real progress to protect access to IVF and to say very clearly that government has no business interfering in your families' decision about the healthcare that you need to treat infertility.

If my Republican colleagues want to make it clear where you stand on IVF, please join us in voting for this bill today. If you vote no, your actions speak louder than any words.

The PRESIDING OFFICER. The junior Senator from Illinois.

Ms. DUCKWORTH. Madam President, I rise today to speak in support of my bill to protect IVF. Elissa Smith was

living in Alabama when she heard the news this past February. She had been pregnant a few years earlier, but it had left her with scars, both emotionally and physically.

She had been in her third trimester with her first child when she had learned that she had cancer. She gave birth early to a beautiful baby girl. Then soon after, she underwent surgery, chemotherapy, multiple medical procedures—you name it—a care plan that helped to get rid of the disease but that also left her unable to conceive again. Thankfully, she had then undergone one round of IVF before her treatment for cancer.

Fast forward to early 2024, things were finally getting brighter. She and her husband had just begun to research surrogates to carry her viable embryos. Then, a gavel sounded out of her State courthouse, marking the ruling that changed theirs and so many other families' lives.

On February 16, the Alabama Supreme Court declared that frozen extrauterine embryos created through IVF should be considered children under State law—a ruling that painted would-be moms and their doctors as criminals and one that uprooted the dreams and began the nightmares of aspiring parents, as IVF clinics statewide soon paused treatments out of fear that their doctors and patients would be punished for trying to start families.

Elissa was one of these women. Now, it seemed like her desperately hoped for wish of growing her family was snatched away by an extremist court that either had no idea or simply didn't care about everything that had gone into trying to turn her dreams of a family into reality.

Elissa's story is exceptional. But it is not the exception. For so many women, that lifelong hope of having children is now stuck in a hellish limbo, as they remain uncertain whether more States will follow Alabama's lead; as they are forced to live in fear that Republican success come November would even further imperil their right to try to create a family; as they remain unsure whether living in a red State under a Trump Presidency could mean getting jail time for committing this supposed sin of needing modern medicine to bring into the world a baby to nuzzle and swaddle and love.

Look, I was actually stationed in Alabama many times throughout my 23 years of military service. And I didn't know it at the time back then, but infertility would become one of the most heartbreaking struggles of my life, my miscarriage more painful than any wound I ever earned on the battlefield.

It is only thanks to IVF that I get to be embarrassingly proud when I hang my 6-year-old's drawings on my Senate office walls or that I get to be tackled in bed every Mother's Day by my 9-year-old who runs into my room bearing the biggest of hugs and sweetest of cards.

So excuse me if I find it a bit offensive when a bunch of politicians who have never spent a day in med school hint that those of us who have needed the help of IVF to become moms should be sitting behind bars rather than lulling our babies to sleep in rocking chairs.

My apologies if I take it personally when the same folks who rely on NRA blood money to get elected suggest that women like me are committing acts akin to murder when all we are trying to do is create life and not have to suffer through more miscarriages.

You know, right after the Alabama ruling came out, I came to this very spot and begged my GOP colleagues to help me pass my bill that would set the simple standard that no doctor or hopeful parent could be criminalized for IVF. And Republicans blocked it. This was after days and days of the GOP claiming to support IVF. This was after they claimed to support reproductive health. This was after days of them claiming that they actually gave a damn about the women in this country. Naturally, that was all untrue, all a ruse to mislead voters.

And at this point, it is obvious: The only thing they care about is kissing up to trial room Trump and bowing down to the most extreme wing of their party. Things like common decency or common sense doesn't even register anymore.

It comes down to this: Every woman deserves to be able to be called "mama" without being called a criminal. That is why, today, I am trying once again to pass legislation that would enshrine into law every American's right to IVF, now called the Right to IVF Act.

If Republicans actually care more about protecting women's health more than they do about getting invitations to Mar-a-Lago, then all they have to do to show it is help me move my bill forward—because, look, struggling with infertility is hard. Using all your savings to go through round after round of IVF is hard. This vote? Well, that is one thing that is actually really simple: Vote for it.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. CASSIDY. Madam President, I ask unanimous consent to speak for up to 5 minutes, followed by Leader SCHUMER for up to 3.

Mr. BOOKER. Reserving the right to object, if the Senator would allow me just to not give my remarks on the floor but enter them into the RECORD, I am happy to give consent to that.

Mr. CASSIDY. Absolutely. And I did not mean to cut you off, and I apologize. I did not know you were in the queue. I apologize.

Mr. BOOKER. I am the junior Senator from New Jersey; I am used to being cut off.

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

Mr. BOOKER. Madam President, I rise today in support of the Right to

IVF Act, a package of bills that I was proud to introduce alongside my colleagues, Senator DUCKWORTH and Senator MURRAY. This legislation does two key things: it establishes an enforceable nationwide right to fertility treatments, including in vitro fertilization or IVF and it allows more people to access these critical, family building treatments at a lower cost by expanding insurance coverage.

I am especially proud that my bill, the Access to Fertility Treatment and Care Act, is included in this package. This bill makes fertility care, including IVF, more affordable by requiring employer-sponsored insurance plans and other public insurance plans to cover those treatments.

Millions of Americans who rely on fertility treatments and IVF to build their families face excessive out-of-pocket costs.

This would help Americans like Lindsay Gordon, a constituent of mine from Glassboro, NJ, realize her dream of starting a family. When Lindsay and her husband Daniel were diagnosed with male-factor infertility, IVF became the only option to have children. But even though they both worked for private corporations, neither Lindsay nor Daniel had insurance coverage for fertility treatment. So they drained their life savings and Lindsay actually took on a second job at night to afford IVF treatments, working over 18 hours a day for over a year. Heartbreakingly, Lindsay and Daniel suffered multiple miscarriages while going through the process to achieve a pregnancy. In all, their fertility journey cost them close to \$100,000 in out-of-pocket healthcare costs. This is a staggering burden that can keep people from accessing these medical services.

There is a happy ending to their family building journey: Lindsay and Daniel were ultimately blessed with a baby boy. But no family should have to struggle so much to build the family of their dreams.

There is overwhelming support for the Right to IVF Act: it has 46 cosponsors in the Senate. By supporting this legislation, we make clear to Lindsay and Daniel Gordon and to the American people that being rich or poor should not dictate whether you get to start or grow a family.

Supporting this bill also sends the message that radical courts and legislators should not dictate whether someone has access to reproductive health care.

Since the Supreme Court overturned *Roe v. Wade*, we have seen a full-scale assault on the rights of women to make their own reproductive health care decisions. We have seen increased attempts by State governments to exercise control over women's bodies, including by criminalizing expectant mothers. And we have seen confusion and uncertainty amongst medical providers, who are trying to uphold the oath they swore to care for their patients.

The Court's radical decision to overturn *Roe* opened the floodgates on attacks beyond abortion to other types of reproductive health. The Alabama Supreme Court made a medically and scientifically unfounded decision that a frozen embryo should be treated as the legal equivalent of an existent child or a fetus gestating in a uterus. IVF treatment immediately halted across Alabama following this ruling, illustrating how fragile access to these services are without a federal enforceable right to IVF.

I firmly believe that everyone everywhere deserves to have access to high quality, comprehensive healthcare. Healthcare includes reproductive services, fertility care, and abortion. I am not alone in this belief. Most American adults agree with me that these rights must be protected.

I know there are people across this country, in red States and blue States alike, making deeply personal reproductive healthcare decisions. These decisions should not be more difficult because of the assault on reproductive freedom. I look forward to continuing to fight to protect your fundamental freedoms and to increase access to reproductive healthcare for every American.

I yield to the Senator.

Mr. CASSIDY. Madam President, I have been sitting here listening to this, and I can't help but notice that my Democratic fellow Senators have chosen to disrespect and deceive the American people as they politicize a deeply personal issue for short-term political gain—distorting facts, capitalizing on the pain and the longing of women desperate to conceive, families desperate to hold a child. Democrats are trivializing, for political purposes, the substantial emotional, financial, and personal investment required of a woman and of a family to become pregnant through IVF.

Let's set the record straight. I support IVF. Republicans in the Senate support IVF.

Now, the tragic situation in Alabama has been used to fearmonger and scare that IVF is somehow in jeopardy, as though for someone who has a hope for a future family, that hope is threatened. And that is not true. Let's just say there is no State in the United States of America that prohibits a woman from growing her family through IVF, and Democrats know that.

Let me say that again. There is not a single State which bans IVF; and Alabama, which has been mentioned several times, specifically passed a law after the Mobile incident in which they make sure—affirm—that IVF is available.

So this bill before us today would have done nothing to prevent that which happened in Mobile, where embryos were dropped and destroyed. In the recent case at Mobile's Center for Reproductive Medicine, a hospital patient wandered into the embryology

lab—how did that happen?—removed five human embryos from cryostorage, and dropped them, destroying the embryos.

Tragically, cases like this are not isolated. There was a storage tank failure in San Francisco that resulted in the death of 3,500 eggs and human embryos and another in Ohio in which 4,000 eggs and human embryos died.

A recent investigation into a fertility clinic with 33 locations across the country uncovered multiple instances of accidental embryo destruction, mislabeled embryos, and labs with faulty heating, ventilation, and air conditioning.

Just this year, a fertility clinic in California used hydrogen peroxide instead of distilled water during the incubation period—used hydrogen peroxide instead of distilled water—rendering all of the embryos nonviable. Then, if you can believe it, the clinic allegedly transferred more than two dozen embryos into would-be mothers despite knowing that this would not end in a pregnancy.

It is expected, at a minimum, that fertility clinics protect and respect human life, keeping these treasured embryos safe. Women, mothers, parents—they deserve better.

But what we have today is a haphazardly copied and pasted bill that sets up a messy hierarchy of unfunded mandates and inconsistent policies. For example, under this legislation, private insurance companies are required to provide unlimited fertility treatments and related storage, but the bill limits how many treatments a veteran can get through the VA clinic.

So why are women who receive care at the VA treated differently than those with commercial insurance? If access to IVF is really a problem and this legislation is really needed, we could have addressed that if we had taken this bill through the committee process, but I note that Leader SCHUMER plucked it out of the committee before we had a chance to address the shortcomings, and he brought it to the floor for, I presume, political purposes.

By the way, we don't even have a CBO score. That is usually like, you can't bring anything to the floor unless you have a Congressional Budget Office score. How much is it going to cost? It is because this is not serious legislation. The CBO, by the way, acknowledges that it has not evaluated and cannot evaluate this mash-up of bills.

The committee process would have allowed us to explore the effect of a mandate on Federal programs like Medicare, the DOD, the VA, small businesses, and State Medicaid programs. So how will this legislation impact that woman business owner with 20 employees, 10 of whom are women in their childbearing years? We don't know. We don't know because this is not serious legislation. It was not taken through the committee process. It is a political process. Now, we can guess. Premiums will skyrocket.



I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CASSIDY. That woman I described with a small business who has 10 employees must now make the challenging decision to absorb the new cost or consider not offering health insurance to employees or laying employees off.

Interestingly, labor unions got more time to comply with the insurance mandate than others. If this is a political bill, you would expect a carve-out for political supporters.

The bill requires coverage of genetic testing of human embryos, which may help inform decisions about which embryos to transfer first, but to what end? And will these tests be used to screen for life-ending conditions?

I only see two limits in this bill: one, on the ability of healthcare providers to exercise their conscience rights when practicing medicine and, two, on States that wish to regulate the practice of medicine in a way that treats human embryos with the value and dignity they deserve.

Republicans are so open to working with Democrats on a sincere bipartisan effort, but this is a show vote. Unfortunately, Democrats do not care about working with Republicans to protect IVF access. They wish to manufacture an issue they can campaign on.

Today's vote is disingenuous. Pushing a bill that is haphazardly drafted and destined to fail does a disservice to all women who may pursue IVF treatments.

I will end as I started. This seems a deceiving, disrespectful bill to misinform and scare the public and to gin up Democratic votes for November. And that is shame. Americans deserve better.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Madam President, today, Senators face a very simple question: Do you agree Americans should have access to IVF; yes or no? If "yes," the only correct answer is to vote yes on the Right to IVF Act.

Protecting IVF should be the easiest "yes" vote Senators have taken all year. All this bill does is establish a nationwide right to IVF and eliminate barriers for millions of Americans who seek IVF to have kids.

It is personal to me. I have a beautiful 1-year-old grandson because of the miracle of IVF. And so, in a perfect world, a bill like this would not be necessary, but after the fiasco of the Alabama Supreme Court decision and the generally MAGA views of some on the Supreme Court, Americans are genuinely worried that IVF is the next target of anti-choice extremists.

To my Republican colleagues who say they are pro-family, today's bill protecting IVF is as pro-family as it gets, and we should vote yes today.

It is a contradiction to claim you are pro-family but then turn around and vote to block protections for IVF. The contrast today is glaring. Here in the Senate, Democrats are talking about protecting women and IVF, and a couple of blocks away, Trump and our Republican colleagues are talking about protecting tax cuts for the very wealthy.

So the American people are watching how we vote today on basic freedom. Parents back home are watching how we vote. Couples who want to become parents are watching how we vote. It is very simple: If you support access to IVF then vote to protect access to IVF today.

Thank you to Senators Duckworth, Murray, Booker, and so many others leading on this legislation.

I urge a "yes" vote.

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

Charles E. Schumer, Tammy Duckworth, Richard Blumenthal, Alex Padilla, Tammy Baldwin, Tim Kaine, Richard J. Durbin, Jeanne Shaheen, Benjamin L. Cardin, Debbie Stabenow, Patty Murray, Catherine Cortez Masto, Tina Smith, Elizabeth Warren, Sheldon Whitehouse, Kirsten E. Gillibrand, Christopher Murphy.

The PRESIDING OFFICER. Under the previous order, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to Calendar No. 413, S. 4445, a bill to protect and expand nationwide access to fertility treatment, including in vitro fertilization, shall be brought to a close?

The yeas and nays are mandatory under the rule.

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.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Missouri (Mr. SCHMITT).

Further, if present and voting: the Senator from Missouri (Mr. SCHMITT) would have voted "nay."

The yeas and nays resulted—yeas 48, nays 47, as follows:

[Rollcall Vote No. 197 Leg.]

#### YEAS—48

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

#### NAYS—47

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

#### NOT VOTING—5

Butler	Sanders	Sinema
Menendez	Schmitt	

(Mr. MERKLEY assumed the Chair.)

(Mr. WHITEHOUSE assumed the Chair.)

(Mr. CARPER assumed the Chair.)

The PRESIDING OFFICER (Ms. SMITH). On this vote, the yeas are 48, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion was rejected.

Mr. SCHUMER. Madam President, for everyone's awareness, I am changing my vote on this bill, from yes to no, in order to have the option of returning to this legislation later. We hope some of our colleagues on the other side of the aisle will see the light and change their minds.

#### MOTION TO RECONSIDER

Madam President, I enter a motion to reconsider the failed cloture vote with respect to the motion to proceed to Calendar No. 413, S. 4445.

The PRESIDING OFFICER. The motion is entered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 510.

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 senior assistant legislative clerk read the nomination of Katherine E. Oler, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.