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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

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

Let us pray.

Eternal God, we wait expectantly for You to bring order from our world's chaos. Empower our lawmakers today to contribute harmony to our Nation and world by living with purity. Make their thoughts and desires so pure that they can bear Your scrutiny. Make their words so pure that You delight to hear them. Make their deeds so pure that You find joy in seeing them. And because of their pure thoughts, desires, words, and deeds, may our Senators possess such pure hearts that they will see You.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

PROTECT WOMEN'S HEALTH FROM CORPORATE INTERFERENCE ACT OF 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 459, S. 2578, the Protect Women's Health From Corporate Interference Act.

The PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 459, S. 2578, a bill to ensure that employers cannot

interfere in their employees' birth control and other health care decisions.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, there will be a period of morning business until 12 noon today, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees. The majority will control the first half, the Republicans the final half.

At 12 noon today the Senate will proceed to executive session and to a series of two rollcall votes on the following nominations: cloture on Norman C. Bay to be a member of the Federal Energy Regulatory Commission and cloture on Cheryl A. LaFleur to be a member of the Federal Energy Regulatory Commission.

Following the second vote, the Senate will recess until 2:15 p.m. to allow for our weekly caucus meetings. If cloture is invoked on either of the nominations, the time from 2:15 p.m. until 3 p.m. will be equally divided and controlled between the two leaders or their designees. At 3 p.m., the Senate will proceed to vote on confirmation of the two nominations.

MEASURES PLACED ON THE CALENDAR—S. 2599
AND H.R. 4718

Mr. President, it is my understanding that there are two bills at the desk due for a second reading.

The PRESIDING OFFICER (Mr. BOOKER). The clerk will read the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 2599) to stop exploitation through trafficking.

A bill (H.R. 4718) to amend the Internal Revenue Code of 1986 to modify and make permanent bonus depreciation.

Mr. REID. Mr. President, I object to any further proceedings with respect to both of these bills.

The PRESIDING OFFICER. Objection is heard.

The bills will be placed on the calendar.

FERC NOMINATIONS

Mr. REID. Mr. President, later today, as I have just mentioned, the Senate will hold two rollcall votes to confirm nominations to the Federal Energy Regulatory Commission—Norman Bay and Cheryl LaFleur.

I am aware of the important nature of these two nominations, and I realize that their confirmations have significant consequences.

Upon her confirmation, Cheryl LaFleur will remain at the FERC as chair for 9 months. Following that period of time, Norman Bay will then assume the position of FERC chair.

I appreciate very much the work done by a number of Senators to get us to the point where we are. The chair of the energy committee, Senator MARY LANDRIEU, has done really hard work, and it has been a bipartisan effort to move these nominations forward.

I have been assured by both nominees that the issue which the Wall Street Journal editorialized about yesterday—and they called it “the federal takeover of New York’s electric grid”—will be addressed. I have spoken to both nominees, and they will take a hard look at that. When it came out yesterday, I directed attention to that, and that will be addressed by both of them, and they have said so.

HOBBY LOBBY DECISION

Mr. President, last week my friend, the Republican leader, essentially declared victory for American women in their struggle for equality by saying:

We've come a long way in pay equity and there are a ton of women CEO's now running major companies. . . . I could be wrong, but I think most of the barriers [for American women] have been lowered.

The Republican leader seems to be suggesting the obstacles preventing women from receiving equal treatment under the law have been conquered—the struggle for equality for women is over.

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



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The only things missing from the Republican leader's declaration would be an aircraft carrier and a large "MISSION ACCOMPLISHED" sign hanging in the background. We all remember that. Remember, that was President Bush declaring the war in Iraq was basically over. Well, it was not. And the war regarding women is not over.

The Republican leader suggested that the notion of ensuring equal rights for American women is tantamount to "preferential treatment." That was his opinion. That is as shocking as it is troubling.

The truth is, regardless of what Republicans in Congress may say, the barriers of inequality for American women are very real and very substantial. Take this as an example. There are many examples, but let's try this one: The Republican leader mentioned pay equity. American women are paid an average of 77 cents for every \$1 their male colleagues make for doing the exact same work. It is not fair. But instead of working with Senate Democrats to give working women a fair shot at equal pay for equal work, Republicans refuse to even let the legislation be debated. This was one of their multitude of filibusters.

The Republican leader also spoke of the growing number of women CEOs at major companies. Now try this one on: Currently, among Fortune Magazine's listing of the 500 top companies in the world, there are 24 chief executives who are women. That is 4.8 percent of all the CEOs in the Fortune 500. If anyone believes—including my friend, the Republican leader—that fewer than 1 in 20 is good enough, this perfectly illustrates the Republicans' antiquated beliefs concerning working women and American women in general.

But perhaps the most disturbing reminder of the inequality barriers that women face is the Supreme Court's recent Hobby Lobby decision. Just a few weeks ago, five men on the U.S. Supreme Court gave corporate bosses the right to interfere with their employees' decisions about birth control.

In its Hobby Lobby decision, those five Justices ruled that for-profit companies can assert religious objections to deny their employees—who may not share their same religious views—the contraceptive coverage required by law. That is what the Court said.

The Court's decision was stunningly wrong. The Court's misguided decision effectively takes away the right of American women to decide their own health care, instead empowering boardrooms to make final decisions on their employees' access to birth control.

How is it possible that in the 21st century we are debating whether or not bosses should be able to dictate their employees' family planning? It is 2014. It is not 1906 or 1907 or 1915.

Health coverage is a form of payment or compensation for employees.

There is a strike going on in New York—they are going to start Monday, I am told—for the largest short-haul

railroad. Mr. President, 300,000 people ride that every day. What is the big sticking point? It is health care. Health care is a big deal to everybody. Health care is a form of payment or compensation for employees. Should employers' religious beliefs be able to dictate how you spend your paycheck and your days off? Of course not. So why would we let bosses decide something so personal and so private as the use of contraceptives?

Last week Senators PATTY MURRAY and MARK UDALL introduced the Not My Boss's Business Act to fix the Hobby Lobby decision. This legislation would make it illegal for any company to deny their workers specific health benefits, including birth control, as required by Federal law.

The Murray-Udall bill preserves the exemption for houses of worship and the accommodation for religious non-profits that have religious objections to contraceptive coverage.

The decision to use birth control is private—and it should be—and it should not be subject to the personal or religious beliefs of some corporate boss; otherwise, where is it going to end? As Justice Ruth Bader Ginsburg stated in her dissenting opinion:

Would the exemption . . . extend to employers with religiously grounded objections to blood transfusions; antidepressants; medications derived from pigs—

And there are medications derived from swine that help people get well—including anesthesia, intravenous fluids, and pills coated with gelatin; and vaccinations?

That is what Justice Ruth Bader Ginsburg said.

As Justice Ginsburg points out, the Court's decision is a very, very slippery slope. It opens the door to endless possibilities in which corporate boardrooms trump employees' health coverage.

That is why I support this bill, which clearly establishes a woman's right to quality health care. By passing the Not My Boss's Business Act, the U.S. Senate can knock down a significant barrier to women's equality. Regardless of what Republicans in Congress will tell you, we have a long, long way to go before American women are equal in all aspects of the law, as they should be.

The bill before us is a step in the right direction. It will help undo the damage done by the Supreme Court. But, more importantly, the Not My Boss's Business Act will help ensure American women have access to the health coverage they need and deserve and should be entitled to by law.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

HEALTH CARE

Mr. MCCONNELL. Mr. President, we hear the President is planning to spend the week calling for Congress to pass highway funding legislation that Congress is already planning to pass. It seems odd for the President to be focusing so intently on something that is

inevitable while ignoring other issues that really should be addressed—issues such as ObamaCare.

So many middle-class families in my State and across the country continue to suffer from the impact of this law. One thing that becomes increasingly clear with each passing day is the extent—the extent—to which ObamaCare is particularly hard on women.

Research shows that women make about 80 percent of the health care decisions for their families in our country. Yet ObamaCare has caused countless women to lose the health care plans they had and liked. When these women first spoke out about the betrayal they felt when they lost their plans, many of the law's supporters simply waved their concerns away or said they were making it up. They said they were lying or that their plans were "junk"—because, of course, the critics knew better. It is a pattern that seems to have continued ever since.

American women also now have fewer choices of doctors and hospitals under ObamaCare. The bill's supporters have continually waived those concerns aside too.

Millions of Americans use flexible spending accounts to pay for out-of-pocket health care expenses. But ObamaCare imposes arbitrary limits on how much of a family's own hard-earned money can be set aside, and the law also prevents people who have come to depend on FSAs from using them to pay for common expenses such as allergy medicine or cold medication.

ObamaCare's cuts to Medicare Advantage and other regulatory actions could reduce the average benefit for women and men who rely on this program by more than \$1,500 a year. Concerns such as these are all simply brushed aside by ObamaCare's supporters.

Washington should also be looking for ways to grow economic opportunities for women, but ObamaCare, of course, does just the opposite. I have heard from businesses large and small in Kentucky that fear they will not be able to cope with the higher costs of coverage under ObamaCare. They do not want to cut hours for their staffs or eliminate jobs, but many may no longer really have a choice.

Many of them are worried about new mandates that place millions of Americans—nearly two-thirds of them women—at risk of having their hours and wages reduced. One of my constituents from Somerset recently wrote to tell me what this new ObamaCare mandate has meant for her.

I'm employed at a major chain putting these rules into effect now. This is causing us to lose up to eleven hours per week averaging \$440.00 . . . [less] per month less in wages. Obamacare [is] causing us to lose hours [and] lose wages, yet expecting us to spend more.

Let me repeat that. She says ObamaCare is causing her to lose hundreds of dollars a month in lost wages and at the same time causing health

care costs to skyrocket. This is simply not right.

Yet despite these terrible stories that keep pouring into our offices, the people who supported this law when it passed continue to defend it now. We kept warning them that ObamaCare would hurt jobs and increase costs. They had to know ObamaCare was going to reduce choices for women and limit their access to certain doctors and hospitals. But Washington Democrats voted for ObamaCare anyway. They created these problems. That is why they should be working with Republicans now to start over with real, patient-centered reform that lowers costs and that women and men in this country actually want, but of course they refuse. They are just doubling down on ObamaCare.

Now they are trying to convince people of another untruth—that somehow it is not possible to preserve our Nation's long tradition of tolerance and respect for people of faith while at the same time preserving a woman's ability to make her own decisions about contraception. Washington Democrats are doing this based on a claim that, in the words of the Washington Post's nonpartisan Fact Checker, is "simply wrong"

I realize Democrats may think the best way to keep people from focusing on the impact of ObamaCare on middle-class families is to just make things up and to attempt to divide us. Well, I think that is a shame. It takes a pretty dim view of what we are capable of as a country. The goal here should not be to protect the freedoms of some while denying the freedoms of others; the goal here and always should be to preserve everybody's freedoms. We can do both. That is just what a number of us on this side are proposing to do this week. Instead of restricting Americans' religious freedoms, we should preserve a woman's ability to make contraceptive decisions for herself. That is why we plan to introduce legislation this week that says no employer can block any employee from legal access to her FDA-approved contraceptives. There is no disagreement on that fundamental point. The American people know that. They know Democrats are just attempting to offer another false choice. What we are saying is that of course you can support both religious freedom and access to contraception.

Look, if Washington Democrats really wanted to help women, they would work with us to do so. We have been imploring them to work with us to deliver relief to middle-class women for years now, to work with us on a new approach to the health care law that is hurting millions of American women. It is not too late. Work with us to increase jobs, wages, and opportunity at a time when American women are experiencing so much hardship as a result of this administration's policies—especially ObamaCare.

BAY NOMINATION

I would like to voice my opposition to the nomination of Norman Bay to be a Commissioner of and eventually lead the Federal Energy Regulatory Commission, or FERC. I fail to see what qualifies Mr. Bay to be Chairman of the Commission, especially when the Acting Chair of FERC, whom he would displace, is much more qualified to hold the position. Unlike most FERC Commissioners in the last decade, he has never served as a State utility regulator, he has never served on the Commission and does not possess the background in policy areas that FERC is charged with overseeing.

In contrast to Mr. Bay, the current Acting Chair of FERC, Cheryl LaFleur, is much more qualified to hold the Chair position. Ms. LaFleur came to FERC with more than two decades of experience in the electric and natural gas industries, including roles as chief operating officer, general counsel, and acting CEO of National Grid USA and its predecessor. I find it shameful that this administration would seek to displace a well-qualified woman in favor of a male nominee with less experience.

More importantly and of utmost concern to my home State, there are factors that lead us to believe Mr. Bay would reliably serve as a rubberstamp for this administration's extreme anticonal agenda. This agenda harms the people of Kentucky and is one I most strenuously oppose.

As the current head of FERC's enforcement office, he has shown a history of targeting carbon-intensive businesses. Who is to say that if installed as the next head of FERC, he will not come after Kentucky businesses relying on the coal industry for electricity, which is 90 percent of my State.

Moreover, during his testimony before the Senate Energy and Natural Resources Committee this past May, Bay cited his home State of New Mexico as an example of a real-life "all of the above" approach to energy. He mentioned his State's reliance on solar, wind, oil, and gas for its energy mix. Notably left out of this supposed "all of the above" approach, however, was any mention of coal—which, by the way, provides 70 percent of the electricity in New Mexico.

For all of these reasons—because he is not qualified, because he holds an anticonal agenda, and because he will be only too willing to implement this administration's anticonal policy—I will be opposing Norman Bay's nomination to FERC. I urge my colleagues to do the same.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be

in a period of morning business until 12 noon, with the time equally divided between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first half.

The PRESIDING OFFICER. The Senator from Colorado.

NOT MY BOSS'S BUSINESS ACT

Mr. UDALL of Colorado. Mr. President, I rise today to speak about the repercussions of the Supreme Court's misguided Hobby Lobby decision which allows employers to refuse to cover contraception as a part of their employees' health plans under the false pretense that corporations can not only have religious beliefs but they can impose those beliefs on their employees.

Several days ago I was home in the great State of Colorado. I stood shoulder to shoulder with experts in women's health care who joined me to highlight how the Hobby Lobby decision is already negatively affecting women in our State.

One Denver-based OB-GYN explained how physicians might now have to consider an employer's religious beliefs when making medical recommendations. She said the Court's decision fundamentally interferes with health care decisions that should be based solely on a patient's well-being.

Because of the Supreme Court's 5-to-4 decision, women across America are now facing the uncertainty that their bosses may restrict the health care benefits Federal law currently secures for them.

Birth control has been deemed an essential preventive health service by a nonpartisan independent group of doctors and other medical experts. Ninety-nine percent of American women have used birth control at some point in their lives. They use it for a variety of health reasons. In fact, just hours after Senator MURRAY and I introduced legislation in response to the Hobby Lobby decision, a Colorado mother called my office to share the story of how her college-age daughter was suffering from a health condition that was so debilitating that it kept her from attending class or really participating in any activities at school. As a result, her doctor prescribed a form of birth control that ended up managing her symptoms and getting her back on track. This Colorado mother wanted to make sure I knew that access to contraception is not just about birth control and that if her employer took away the contraception coverage in her family's health plan, her daughter would not have coverage for a medically necessary treatment.

Regardless of why women take birth control, none of those reasons have any connection to how they do their jobs. Their bosses have no business interfering in those decisions. But with the Court's ruling in Hobby Lobby, corporations and CEOs have been handed