EXECUTIVE SESSION

NOMINATION OF NORMAN C. BAY TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION

NOMINATION OF CHERYL A. LAFLEUR TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION—Continued

The PRESIDING OFFICER. Under the previous order, the time until 3:15 p.m. will be equally divided and controlled between the two leaders or their designees. If neither side yields time, both sides will be equally charged.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, are we in a quorum call presently?

The PRESIDING OFFICER. We are not.

Ms. MURKOWSKI. Madam President, I have come to speak about the two nominees on the executive calendar who are before us this afternoon. Norman Bay and Cheryl LaFleur are nominated to be commissioners on the Federal Energy Regulatory Commission, FERC, an increasingly critical, independent regulatory commission.

As the Senate has considered these nominations, there has been kind of a weird drama that has played out throughout the entire community that follows the FERC and, as I understand, the agency itself has been really very distracted by it. Many are concerned the wrong person is set to take over as chair of the FERC and that the Commission is at risk of losing its reputation for objectivity. So for the benefit of Senators who are not on the energy committee and for members of the public who have not followed the controversy surrounding these nominees, let me provide a little bit of perspective this afternoon.

Both nominees have been serving at the FERC. Ms. LaFleur currently leads the agency as its chair. She has done so with distinction for the better part of a pretty difficult year. This is a year that has brought about the polar vortex and challenges to bulk power system reliability. The other individual, Mr. Bay, is an employee. He is the director of the agency's Office of Enforcement. He was appointed to that post by its somewhat controversial former chair, John Wellinghoff of Nevada.

If confirmed, Mr. Bay will become the first FERC employee in the agency's history who would go directly and immediately to the commission itself, despite just 5 years of relevant experience. Furthermore, Mr. Bay will not only be elevated to the post of commissioner; President Obama has announced that Mr. Bay will be designated as chairman after his confirmation. That means that Ms. LaFleur, the FERC's only female commissioner, will be demoted when Mr. Bay takes over as chair. How soon Ms. LaFleur's demotion will take place is unclear at this moment.

At the energy committee's business meeting to consider these nominees, there was a lot of talk about a deal that would allow Ms. LaFleur to remain as chair for a period of time. It was suggested that this would give Mr. Bay some much needed on-the-job training as a rank and file commissioner. So there was a lot of discussion going back and forth. I was certainly part of that discussion. But talk of a deal and confirmation of a deal, giving the assurances that certainly this Senator has sought and yet was not given—talking about a deal and getting a deal are two different things.

So as we discuss where we are with these nominees, I think it is important to recognize that even if Ms. LaFleur stays on for a period of months—whether it is 9 months as some have suggested the deal is or a different period of time—what we understand is that Ms. LaFleur will only be allowed to continue in an acting capacity.

So stop and think about this. We have President Obama who has nominated Ms. LaFleur twice for high office, and despite what I think has been her distinguished service as a commissioner and as chair of the FERC, the White House dismisses her as an acting chair. The administration reportedly has limited her authority even to hire staff. As some have suggested, this is just a technicality and this is what happens within the Commission. That is not my understanding at all. I would view it as an affront. If one is going to be the chair, one should have the full authorities of the chair.

Even though I disagree with ''Acting'' Chair LaFleur on some key policy matters, by all accounts, from both Republicans and Democrats, she is doing a good job. She is fair. She seeks balance. She has the temperament I think we need for this commission. She has the personal qualities of leadership we look for. She clearly has the experience. She has 25 years' worth of experience, in fact. I certainly hope she will be easily confirmed this afternoon. In fact, I hope Chair LaFleur's bipartisan support has not hurt her prospects.

Chair LANDRIEU observed during the committee's consideration of these nominees that Ms. LaFleur's renomination ''was not a sure thing just a couple of months ago.'' But we have to ask: Why not? Why wasn't the renomination of the only woman serving as a FERC commissioner—a Harvard-educated Obama appointee from Massachusetts—why wasn't she a sure thing from the get-go? Was it her bipartisan appeal? I would certainly hope not. Was it her good work as a chair? Again, I hope not. To me, those are reasons one would choose her to lead the FERC, not someone else.

One hint came from our majority leader, Senator REID. He recently told the Wall Street Journal that Ms. LaFleur ''has done some stuff to do away with some of Wellinghoff's stuff.'' Now, he didn't really define what ''stuff'' that was and didn't acknowledge that much of Mr. Wellinghoff's ''stuff'' was either controversial or incapable of withstanding legal challenge.

Before we turn to Mr. Bay and his unprecedented promotion from Director of the Commission's Office of Enforcement in the face of Ms. LaFleur's demotion, let's discuss the agency the White House proposes he would lead for just a second. Why does the chairmanship of the FERC matter so much? Well, the Presiding Officer sits on the energy committee. She knows. She is watching this. She is looking at the issues of reliability. In the energy world, FERC regulates ''midstream everything.'' The chairman is its CEO, and under his or her leadership, FERC regulates interstate natural gas and oil pipelines, LNG import and export facilities, the sale of electricity at wholesale, the transmission of electricity in interstate commerce—basically the Nation's bulk power system, practically speaking, its high voltage transmission networks, also the reliability of the bulk power system, the licensing of hydroelectric facilities and the safety of dams. The list goes on and on.

One further example is the safeguarding of sensitive information about our critical energy infrastructure—information that was compromised by FERC during the tenure of former Chairman Wellinghoff. That series of events is now subject to an ongoing inquiry by the inspector general of the Department of Energy, and it is a breach that Ms. LaFleur has vowed will not happen again.

Given the significance of this agency, let's consider Mr. Bay. So, beyond the demotion of Ms. LaFleur, and beyond his lack of relevant experience, what is causing me pause? To begin, there are questions about the fairness and transparency of the functioning of the FERC Office of Enforcement during Mr. Bay's tenure there. I haven't resolved those questions, but I know others are looking at them. Senator BARRASSO has called attention to some of the questions. He has called for an independent review of the facts in dispute.

Second is the question of the circumstances under which Mr. Bay would recuse himself from at least 43 different matters, including some high profile matters that have been pending in the Office of Enforcement on his watch. But, unfortunately, Mr. Bay apparently doesn't see a need to recuse himself from these proceedings.

Third are the answers that Mr. Bay provided to questions from those of us on the energy committee. At best, many were unclear and, at worst, his responses were simply evasive.

Finally, I keep coming back to the deal—the waiting period that was needed to attract enough support on the Democratic side to report Mr. Bay's nomination from committee. So we

have to ask the question: What are those terms? Will the acting chair have the opportunity to serve fully and completely as chair? Will it be clear that Mr. Bay is not a ''shadow chairman'' or a ''chairman-in-waiting'' during this crucial period? At a minimum, before we make a choice about who should lead the FERC, the President owes Senators a clear time line of who will be in charge and what the powers are that will be given to him or her.

FERC is just too important a commission. It is too important for appointees to be handled in this way.

So, today, I am going to be supporting the confirmation of Ms. LaFleur. In fact, I am pleased to support her, even though I don't always agree with her policy views. But I do regret I will not give my support to Mr. Bay, and I urge other Senators to withhold their support as well.

With that, I would yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

PROTECT WOMEN'S HEALTH FROM CORPORATE INTERFERENCE ACT

Ms. MIKULSKI. Madam President, I wish to take this opportunity to speak in support of the Murray legislation to protect women's health from corporate interference. Because of an obligation to speak at a memorial service tomorrow, I will not be able to speak tomorrow morning. I feel so strongly about this issue that I would like to say a few words today.

This legislation ensures that the personal opinion of an employer doesn't trump the medical opinion of a doctor. I sure wish this legislation were not necessary, but, unfortunately, because of the recent Supreme Court decision now known as the Hobby Lobby decision, it is necessary.

Let's talk about how we got here. As the Presiding Officer knows, we worked on health care reform. We were so concerned that over 40 million people didn't have access to health care. We were concerned that just being a woman was treated as a preexisting condition. We were charged double for our insurance, and we often had to pay significant copayments for those procedures related to early detection and screening, for those procedures that would affect us such as mammogram care. So on a bipartisan basis we ended that discrimination so women couldn't be charged more than men of the same age or comparable health status.

We also wanted to be sure we could do preventive health care benefits. That was an amendment I offered on the Senate floor. We had a spirited debate, even with Senator MURKOWSKI. Senator MURKOWSKI and I agreed on the same goals, but we had different methods. Ours won; mine won. I wanted to be sure politicians didn't decide what was preventive health care. I wanted to be sure politicians didn't decide what should be covered or not, and I didn't want to bring politics into it. So we turned to one of the most distinguished organizations in our government that makes recommendations to our government on health care policy. It is known as the Institute of Medicine. It is a nonpartisan group funded by this Congress made up of scientific experts to advise us on medical and health care. We wanted them to tell us what should be the preventive services that were included.

So when we hear the criticism: ''Some government agency decided this; some bureaucrat decided this''—these are scientists, these are physicians, these are skilled researchers, and they determined that women should have access to eight preventive health care benefits for free. First of all, screening for gestational diabetes—that is, when a woman gets diabetes while she is pregnant or because she is pregnant— high risk to the mother, high risk to the child. That means high risk HPV DNA testing, annual counseling and screening for HIV, comprehensive lactation support, and counseling, screening for domestic violence, an annual well-woman preventive care visit, and a full range of FDA-approved contraceptive methods. That is what it was. It was the Institute of Medicine—the Institute of Medicine—not BARBARA MIKULSKI, not the Democrats, not President Obama—that said the FDA-approved contraceptive methods should be available.

That brings us to the Supreme Court and Hobby Lobby, a for-profit company, employing thousands of people of different faiths and religions.

Hobby Lobby's owners did not want to cover certain forms of contraception for their female employees. They said it was against their religious beliefs, and the Supreme Court agreed with that—actually, the five men on the Supreme Court said they did not have to. The women on the Supreme Court offered a dissenting opinion.

This ruling of the Court says the personal opinion of your employer is more important than the medical opinion of your doctor. As the Presiding Officer from Wisconsin knows—she, has put a lot of work into understanding health care and the delivery system—contraceptive methods are not always used to prevent pregnancy. Some are to deal with fibroids and other medical conditions. This ruling, unfortunately, says that a for-profit company can deny female employees coverage of important preventive health care based on religious objections of the company's health care ownership or leadership team.

I always felt health care decisions should be made by the patient and their doctor, by a woman and her doctor, not by an employer or an insurance company. So it concerns me greatly that the Supreme Court Justices decided against that. It concerns me greatly that the Supreme Court Justices decided the employers should have the power to determine what medical care is available to their female employees. This is pretty scary, actually. I support what Supreme Court Justice Ginsburg said. What exemption does this extend? Does this go to blood transfusions for some groups, antidepressants for some other groups, vaccinations for other groups? The Supreme Court said: Oh, no, it is only for this. Well, one Supreme Court decision leads to another Supreme Court decision.

So Senator MURRAY, who is an architect of a bill of which I am a cosponsor, has led the way. Her bill does two things. It prohibits employers from denying coverage of specific health care items or services if the coverage of that item or service is required by Federal law. It keeps in place, however, protections for religious organizations. So houses of worship can be exempted from this mandate of contraceptive coverage, religious nonprofits can certify that they do not want to offer contraceptive care, and insurers work separately with employees.

The Supreme Court decision is an attempt to deny women's access to birth control disguised as an effort to protect religious freedom. I am a strong supporter of religious freedom. I stood on this floor and voted with its architect, Senator Ted Kennedy—a happy memory—that we would always have this religious protection of religious organizations, their nonprofit affiliates.

So I hope we do support the Murray bill, that it follows the processes within the Senate, and it comes to our attention. I believe this will go a long way to clarifying this very important distinction between the religious freedom, particularly of religious organizations—houses of worship and the nonprofits affiliated with them—but it does not embody in a private business the rights of an individual.

Madam President, I thank you for your attention and that of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Thank you, Madam President.

I have to dispel some of the myths that are being told about the Hobby Lobby decision.

First of all, one of the biggest distortions I think has been this hashtag campaign #NotMyBossBusiness because before the Hobby Lobby decision—and as now—employers cannot deny their employees access to birth control.

So let's be clear. Employers cannot deny their employees access to birth control. So the #NotMyBossBusiness hashtag and I think some of the statements that are being made on the Hobby Lobby decision are a misrepresentation or distortion of what that decision stands for.

You do not have to take my word for it. In fact, the Washington Post Fact Checker yesterday debunked several of the outrageous claims that are being made about this decision. In fact, here are some of the things we know are true about the Hobby Lobby decision:

''Nothing in the ruling allows a company to stop a woman from getting or filling a prescription for contraceptives.'' ''Nothing in the ruling allows a company to stop a woman from getting or filling a prescription for contraceptives.''

The majority opinion of Hobby Lobby actually states expressly that ''under our cases, women (and men) have a constitutional right to obtain contraceptives.''

In fact, what the Fact Checker found in response to one lawmaker's claim about the Hobby Lobby decision—who claimed that it means employers can restrict the ability of their employees to use contraceptives—the Washington Post stated:

> No boss under this ruling has the right to tell an employee that they cannot use birth control. That's simply wrong.

I think that is very important for the American people to understand, for the women of this country to understand.

Also, the Washington Post, when debunking many of the claims made about the Hobby Lobby decision, said: ''Simply put, the court ruling does not outlaw contraceptives, does not allow bosses to prevent women from seeking birth control and does not take away a person's religious freedom.''

In fact, what the decision does is focus on the fact that under the Religious Freedom Restoration Act, which was a law that was passed with overwhelming support in the House of Representatives and in this body—in fact, by our count, as I understand it, over a dozen Democrat Members of the current Senate actually supported the Religious Freedom Restoration Act in some way. It was signed into law by President Clinton. So it used to be bipartisan that we would support religious freedom in this body. The notion that somehow Hobby Lobby as a closely-held corporation would have to give up all their religious beliefs seems to me to be antithetical to what we supported on a bipartisan basis in this Congress, which is the religious freedom of Americans that is reflected in the First Amendment to our Constitution.

In fact, contrary to the misleading rhetoric, the Hobby Lobby decision does not take away a woman's access to birth control. That existed before the Hobby Lobby decision and it exists today. That existed before ObamaCare and it exists today, thankfully.

No employee is prohibited from purchasing any FDA-approved drug or device. Contraception remains readily available and accessible to women nationwide. Prior to ObamaCare passing in this body, over 85 percent of large businesses already offered contraceptive coverage to their employees.

One thing that has not been mentioned is the ObamaCare mandate that has been the subject of the Hobby Lobby decision does not even apply to businesses that are under 50 employees in this country. So there are millions of women for whom the mandate that is addressed in the Hobby Lobby decision does not even apply to.

For lower income women, there are five programs at the U.S. Department of Health and Human Services that ensure access to contraception for women, including Medicaid.

In fact, more than 19 million women were eligible for government-supported contraceptive assistance in 2010, and that has not changed.

So for those who would distort the Court's decision and insist that we cannot stand for religious liberty while simultaneously ensuring that women continue to have safe, affordable access to birth control—it is just not true. We can do both and we need to do both on behalf of the American people because people have deeply held religious beliefs, and it was so important to our Founding Fathers that they put respect for religion and protection of people's ability to choose what they believe in in the First Amendment to the Constitution.

Americans believe strongly that we should be able to practice our religion without undue interference from the government. That goes to our character. So what happened in the Supreme Court's decision in Hobby Lobby is reaffirming that, but it did not say an employer will somehow now be making the decision whether a woman can have contraception. That is not what it said. In fact, employers have no right under the law to even know what my prescriptions are or any other woman's prescriptions are for contraception. So any suggestion to the contrary is entirely misleading.

The decision applies to closely-held businesses whose owners have genuine religious convictions. In this case, the company's owner, the Green family, agreed to provide coverage for 16 of the 20 contraceptive methods that are required under ObamaCare, including birth control pills. So I want people to understand that. They only had a moral objection to the remaining four methods.

In the narrow ruling, the Court agreed, based on the Religious Freedom Restoration Act—an act that was introduced into Congress by the late Senator Edward Kennedy from Massachusetts and then-Congressman CHARLES SCHUMER from New York. Again, it was supported by over a dozen of my Democrat colleagues at the time. They brought forth the law because they were concerned at the time about another Supreme Court decision which held that generally applicable laws that have nothing to do with religion could effectively prevent Americans from fully exercising their religious rights. And guess what? It passed a then Democrat-controlled House by voice vote and was approved by a Democrat-controlled Senate by a vote of 97 to 3. There is not much that happens around here 97 to 3.

When President Clinton signed it into law, he said: ''What this law basically says is that the government should be held to a very high level of proof before it interferes with someone's free exercise of religion.''

In the Hobby Lobby decision, the government did not even try to meet that standard. They have tried to meet that standard with other religious organizations, but they did not even try in this situation to contend what the Court found to be genuinely-held religious beliefs on a very limited basis.

There have been a lot of misrepresentations about the breadth of this decision. The Court's majority opinion explicitly states that the ruling does not ''provide a shield for employers who might cloak illegal discrimination as a religious practice.''

Additionally, the Court said that ''our decision should not be understood to hold that an insurance-coverage mandate must necessarily fall if it conflicts with an employer's religious beliefs,'' meaning that someone must show a genuine religious objection. The government can overcome it if they are willing to show that they can do it in a less restrictive way. They did not even try in this case.

Well, some Americans may disagree with the family who owns the Hobby Lobby stores. All Americans believe religious freedom is a fundamental right that should not be abridged. When President Clinton signed the Religious Freedom Restoration Act into law, he said:

> Our laws and institutions should not impede or hinder, but rather should protect and preserve fundamental religious liberties.

I come to the floor today because I want people to understand this decision. Employers cannot tell you what kind of contraception you can have as a woman. Employers cannot even know what kind of contraception you have as a woman. That is protected under HIPAA laws, privacy laws that are very important.

Finally, this notion that it is not my boss's business—of course an employer cannot tell you that you cannot go fill a prescription for contraception. I think that to suggest otherwise is really to distort what the facts of this case are.

I believe we can protect people's fundamentally-held religious beliefs and provide women safe, effective access to contraception. Because of that, I will be introducing legislation on the Senate floor. That legislation would reaffirm that no employer can restrict an employee's access to contraceptives. Finally, it would also ensure that we look at ways to potentially give women greater access to contraceptives.

The legislation I will be introducing would also ask the FDA to study whether women can purchase contraceptives over the counter and whether it would be safe and effective for adult women to be able to do so. So we should have the FDA look at this issue to see if women can perhaps have even greater access than they do right now.

But the American people need to understand that the Hobby Lobby decision did not change women's access to

contraceptives. In fact, under our HIPAA laws, no employer can know what kind of contraception you may have been prescribed or are using. No employer can tell you that you cannot fill a prescription for any kind of contraception that you think is appropriate and that your doctor thinks is appropriate for you.

Finally, I would say our bill also does one other important thing; that is, it repeals the restrictions ObamaCare put on health savings accounts and flexible spending accounts. ObamaCare actually reduced the amount someone can put aside on a tax-free basis to pay for their own health care. ObamaCare also restricted the use of those accounts for purchase of over-the-counter medications. I have had many of my constituents complain to me about this. We would like to eliminate those restrictions and give people greater ability to set aside money on a tax-free basis to pay for their own health concerns, including over-the-counter medications.

One thing I would say finally is that I have heard so much from my constituents about the concerns they have with ObamaCare. I have heard my colleagues on the other side of the aisle, who voted for ObamaCare, now come to the floor and complain about the Hobby Lobby decision. Well, I would argue that we are where we are today because they decided that ObamaCare was the way to go for health care in this country.

I have heard from a lot of my both male and female constituents about the real concerns they have with ObamaCare that I hope we will debate on this floor. I have heard from people who lost policies they liked, who are paying more for coverage than they were before, have higher deductibles. I have had women write me about concerns that their employer is going to cut their hours because of ObamaCare. Talk about a bad mandate. It redefined the 40-hour workweek. It is now a 30-hour workweek. So people are losing hours.

In my own State of New Hampshire, right now 10 of our hospitals are excluded from the exchange. We are not a very big State. It is a big deal. So some people have lost access to the doctor with whom they had a longstanding relationship or the hospital where they had their first child. Now, if they are expecting their second child and they are on the exchange, that hospital is excluded, and they are in a situation where ObamaCare is restricting women's rights as far as what hospital they can go to, when they could have gone there before.

Those are the real issues as we think about what has happened with ObamaCare. There are so many other issues I could talk about, stories my constituents have written to me. But I would hope the American people understand that employers cannot restrict your access to contraception. We will reassert in our bill that no employer can do that. We will look at the FDA studying whether women can potentially have greater access to contraceptives in a safe and effective manner by looking at whether adult women can safely purchase contraceptives over the counter.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from New Mexico.

Mr. HEINRICH. I rise to speak on the pending nominations.

I appreciate the majority leader scheduling this vote to confirm Mr. Norman Bay to be a member of the Federal Energy Regulatory Commission.

FERC is one of the lesser known but perhaps one of the most important independent agencies in the Federal Government. It has jurisdiction over interstate transmission of electricity, oil, and natural gas, as well as licensing of hydroelectric power.

I believe Mr. Bay will be an outstanding member of the Federal Energy Regulatory Commission. I urge all of my colleagues to support his nomination today.

Since 2009 Mr. Bay has been the Director of the Office of Enforcement at FERC, where he has gained extensive experience in the regulation of energy markets. The Office of Enforcement is responsible for market oversight and surveillance and for implementing the antimanipulation authority Congress enacted in the Energy Policy Act of 2005. This authority provided FERC new tools to combat the type of market manipulation that produced the devastating power crisis a decade ago across the West.

Under Mr. Bay's leadership, FERC has increased transparency in its work, while bringing a number of enforcement actions that have helped protect the integrity of the energy markets and provided $300 million in relief to consumers—$300 million back into the pockets of energy consumers.

He is a graduate of Dartmouth College and Harvard Law School and has had a long and distinguished career of public service. Before joining FERC, he taught law at the University of New Mexico. He also served as an assistant U.S. attorney and in 2000 was nominated by the President to be the U.S. attorney for the District of New Mexico. He was confirmed in that position by the full Senate by unanimous consent.

Mr. Bay is an outstanding public servant with extensive experience in the field of energy markets. I am confident he will judiciously implement FERC's statutory responsibility of oversight of our Nation's energy infrastructure, competitive markets, and reliability.

At his confirmation hearing in May, members of the Energy and Natural Resources Committee had a chance to question Mr. Bay extensively on his work at the FERC and his views on regulatory policy. Senator Pete Domenici, a former chairman and longtime member of the energy committee from my home State of New Mexico, spoke at the hearing in strong support of Mr. Bay's nomination. Senator Jeff Bingaman, another former chairman of the energy committee from New Mexico, wrote a letter in support of his nomination.

The Senate must give consent to the President's nominees to be members of the FERC. The Senate is fulfilling that responsibility with this vote today. However, there should be no misunderstanding—Congress gave the President alone the responsibility of designating a member of the Commission to be the Chairman of the Commission. The law enacted by Congress in 1977 remains very clear: The President, and not the Senate, determines who will serve as Chairman of the Commission.

I believe Mr. Bay will be fair, balanced, pragmatic, and a consensus-oriented member of the FERC. He will decide cases on the merits, based on the facts, based on the law and on the record.

I am pleased to support the nominations of both Commissioner LaFleur and Mr. Bay to be members of the Federal Energy Regulatory Commission. I hope the Senate will vote today to confirm them both.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent to speak for up to 10 minutes and that it not be counted against the majority's time.

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

THE ECONOMY

Mr. THUNE. Mr. President, last week the President was in Denver, CO, where he talked about the economy. He said this: ''By almost every measure, we are better off than when I took office.'' That is quite a statement. ''By almost every measure we are better off than when I took office.'' I know a lot of Americans struggling with high health care bills who might disagree with that because the truth is that very few Americans are better off than they were 5½ years ago. Household income has plummeted by more than $3,300 since the President took office. Meanwhile, the price of everything, from milk to the refrigerator to store it in, has risen. Gas prices have nearly doubled since the President took office. College costs have soared. Of course, family health insurance premiums have increased by nearly $3,000 per family.

Combine reduced income with higher prices and you get a reduced living standard. Under the Obama Presidency, families who were once comfortably in the middle class are now struggling to make ends meet. Other Americans have dropped out of the middle class altogether.

There are 3.7 million more women in poverty today than there were when the President took office. Mr. President, you want to talk about the war on women?

When the President took office, 33 million Americans were on food stamps. Today more than 46 million Americans receive food stamps. Americans struggling financially have had few opportunities to get ahead because the Obama economy has offered very little in the way of opportunity.

The President likes to talk about the jobs the economy has gained recently. But what he does not say is that 5 years after the recession officially ended, our economy is still posting recession-type levels of unemployment.

Back in 2009 the President's economic advisers confidently predicted that unemployment would fall below 6 percent in 2012. Well, here we are 2 years later. We are still not below 6 percent unemployment even after a historic expansion of monetary policy and the largest fiscal stimulus since World War II. The only reason the unemployment rate is not higher is because so many Americans have given up looking for a job entirely and dropped out of the workforce. The labor force participation rate currently stands at 62.8 percent—near a 36-year low. To put it another way, if the labor participation rate today were what it was when the President took office, unemployment would not be a little over 6 percent, it would be 10.2 percent. That is how many people have completely dropped out of the labor force and are no longer even looking for a job.

Then there are the millions of Americans who are working part time because they cannot find a full-time job. The Labor Department reported that the economy lost more than half a million full-time jobs in June and gained almost 800,000 part-time jobs. That is not a good statistic. It is the rare part-time job that pays all the bills and gives financial stability. Americans need more full-time jobs, not more part-time jobs.

They also need the opportunity for higher paying jobs, but that is another opportunity which is in short supply in the Obama economy. Forty-one percent of the jobs lost during the recession were high-wage jobs, but just 30 percent of the jobs recovered have been high-wage jobs. Similarly, 37 percent of the jobs lost in the recession were midwage jobs, while just 26 percent of the jobs gained since the recession have been midwage jobs. Meanwhile, while just 22 percent of the jobs lost during the recession were low-wage jobs, 44 percent of the jobs gained since the recession have been low-wage jobs.

We are trading high-wage jobs for low-wage jobs, full-time jobs for part-time jobs. That is the reality that many Americans are experiencing. The Obama recovery, however, has been producing low-wage part-time jobs—not the types of jobs that Americans need for a future of financial security and stability.

No policy is threatening Americans' economic future more than ObamaCare. As every American knows, ObamaCare has failed to deliver on its promise of making health care more affordable. The President promised that his health care law would reduce premiums by $2,500. Instead, premiums have risen.

Millions of Americans had their insurance plans cancelled and were told that their new plans would cost more—sometimes much, much more. One constituent wrote to tell me that the cheapest plan she could find for her family of four would cost $17,000. Another wrote to tell me that his insurance plan was cancelled due to ObamaCare and the cheapest bronze plan he could find was $987 a month—more than double what he was paying before. On top of that, the plan had a higher deductible and significantly higher cost-sharing requirements than his old plan.

I am sure every one of my colleagues—Democrats and Republicans—has received letters just like this. Our constituents are hurting. What middle class family can afford to pay $17,000 a year in insurance or double its health care premiums from the year before?

ObamaCare is placing an immense burden on middle-class families. The huge premium hikes that many Americans are facing are having a real impact on families' budgets. Money eaten by health care costs is money that can't be spent on a daughter's college education or a new car to replace the failing one or on repairs for the roof—and there is seemingly no end to ObamaCare's penalties.

In addition to hiking insurance premiums, ObamaCare is also encouraging companies to drop spousal coverage from their health plans. UPS and the University of Virginia, for example, have already dropped spousal coverage because of ObamaCare. Women are particularly affected by this since, as the Wall Street Journal reports, they tend to be the ones being dropped from employer-sponsored health care plans.

Then there is ObamaCare's marriage penalty. A woman who qualifies for a tax subsidy to help her purchase insurance could lose that subsidy if she gets married—even if both she and her husband qualified for the subsidy when they were single.

ObamaCare isn't just hiking Americans' health care bills, it is also damaging their economic prospects. Thanks to the 30-hour workweek rule, ObamaCare is helping to drive the surge in part-time employment. Businesses that couldn't afford to give health insurance to workers working more than 30 hours have been forced to reduce their employees' hours and, by extension, their wages. Sixty-three percent of those affected by this provision are women.

Then there is the employer mandate, which is discouraging wage growth and making it more difficult for employers to grow their businesses and to hire new workers. When employers are forced to pay for benefits they can't afford, they often have no choice but to reduce wages or cancel raises and abandon plans for growing their businesses.

Then there are the other ObamaCare provisions that discourage job growth, such as the tax on medical devices such as pacemakers and insulin pumps, which has already been responsible for the loss of thousands of jobs in the medical device industry.

The last thing that we need right now in this weak economy is the kind of widespread devastation ObamaCare is causing. Americans are being hit from both sides. ObamaCare is raising their medical bills and it is destroying their job opportunities.

If the President were serious about trying to help middle-class Americans, he would be looking at where his health care law went wrong and at least supporting fixes for its most damaging provisions.

If Democrats were serious about fixing health care and helping the economy, they would be taking up Senator COLLINS' Forty Hours is Full Time Act, which would fix the ObamaCare 30-hour workweek rule and put Americans back to work or they would support my bill to eliminate the employer mandate for schools, colleges, and universities, so that these institutions aren't forced to cut wages or to eliminate positions.

Democrats thought if Americans found out what was in ObamaCare and what it meant for them, they would come to like it. Well, Americans have found out what is in the President's health care law, what it means for them, and they don't like it.

ObamaCare is hurting American families, it is hurting our economy, and it is time to start over and replace this bill with real health care reform, the kind that will lower costs, that will increase choice, and that will put Americans back in charge of their health care.

Mr. PORTMAN. Mr. President, I rise in support of the nomination of Cheryl LaFleur to serve as a commissioner on the Federal Energy Regulatory Commission, and in opposition to the nomination of Norman Bay to serve as a commissioner on the Federal Energy Regulatory Commission.

On May 20, the Energy and Natural Resources Committee, of which I am a member, held a hearing on these two nominations. I had questions regarding Mr. Bay's qualifications prior to that hearing, and they were not allayed. If anything, they were reinforced. Mr. Bay's experience in the energy field consists of his service over the past 5 years as Director of the Office of Enforcement at the FERC, a tenure which has been marked by that office's controversial theories of market manipulation and concerns by long-time industry experts about due process. Mr. Bay has 5 years of enforcement experience, but he has no regulatory experience. By contrast, Commissioner LaFleur, currently serving as the Acting Chairman of the FERC, has 5 years of experience on the FERC and decades of experience in the energy sector, including as a State utility commissioner.

Yet we are being asked to demote Commissioner LaFleur to commissioner and replace her with an unproven and arguably less qualified candidate.

But most important from my perspective is whether a nominee will address the key responsibilities assigned to the agency to which he or she is being nominated. At FERC, job one with respect to the electric sector is assuring just and reasonable electric service in interstate commerce, which Congress has found for the past 80 years to be in the public interest. Assuring the reliability of such service is an important task that Congress explicitly made part of FERC's responsibilities nearly a decade ago.

At our May 20 hearing, I asked Mr. Bay whether he agreed with the developing consensus that baseload power plants, the ''always on'' energy resources vital to reliable operation of the grid, deserve additional consideration for the irreplaceable reliability benefits they provide. Mr. Bay answered that he looked forward to reviewing comments on the issue. I then asked whether as a commissioner he would look at the cumulative effect of EPA rules that, by various estimates, have resulted in the announced closure of 40,000 to 70,000 megawatts of coal-fired power plants across the country, many of them in Ohio, the closure of which has raised strong concerns about maintaining electric reliability in many parts of the country. He answered that if confirmed, he would be willing to discuss the issue with his colleagues to see if consensus could be reached.

Mr. President, these are simple questions that go to the heart of FERC's mission. On both, Mr. Bay gave non-answer answers that are the basis for substantial concern. Either you agree that something needs to be done to keep power plants running that are vital to maintaining a reliable electric system, or you don't. Either you are concerned that EPA's rules, which even the environmental groups attribute to shuttering more than 68,000 megawatts of coal-fired generation, need to be evaluated for their electric reliability impacts, or you don't.

A presidential nominee deserves the benefit of the doubt, but in the case of Mr. Bay, whose nomination has been rushed to the floor, the doubts remain too strong.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—CALENDAR NOS. 894, 704, AND 508

Mr. REID. Mr. President, I ask unanimous consent that following the vote on confirmation of Executive Calendar No. 842, the Senate remain in executive session and consider Calendar Nos. 894, Nealon; 704, Wood; and 508, Jaenichen; that there be 2 minutes for debate equally divided between the two leaders or their designees prior to each vote; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nominations in the order listed; that any rollcall votes, following the first in the series, be 10 minutes in length; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. For the information of all Senators, we expect the nominations considered in this agreement to be confirmed by voice vote.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I wish to make a few comments about nominees that are before the Senate for confirmation and to thank Members on both sides of the aisle for working together to try to move forward two very important nominees for FERC.

First, let me say there has been some criticism of one of the nominees from some Members of the other party and, of course, everyone is entitled to their opinion; that is what the Senate is for. But I would like to make sure that the Senate record reflects an opinion of someone whom I admire greatly and I believe is very admired—significantly admired—by every Member of this Senate, and that is the opinion of Senator Domenici, the Republican chair of the Energy and Natural Resources Committee for many years and a long-serving Senator from the State of New Mexico.

Senator Domenici, it may not be clearly understood, actually came to the energy committee to testify on behalf of Norman Bay.

His testimony was one of the most artful and compelling I have seen in my days here—which are now quite long at almost 18 years—and unusual in the sense that he read from no script, spoke from the heart, and spoke to Democratic and Republican members of our committee. This is some of what he had to say:

I am pleased to provide a strong statement of support to the Senate Energy and Natural Resources Committee on behalf of Norman C. Bay. I first met Norman in early 2000, when he was nominated to be the U.S. Attorney in the District of New Mexico. I supported his nomination then and I support his nomination now to the Federal Energy Regulatory Commission . . .

He was a good U.S. Attorney—fair, capable, and non-partisan—and, with my support, he remained in office as U.S. Attorney until 2001.

He continues:

In July 2009, Norman became the Director of the Office of Enforcement (OE) at FERC. This is a big job, because among other things OE must administer the anti-manipulation authority of the Energy Policy Act of 2005—a bill that I had authored when I was the Chairman of the Senate Committee on Energy and Natural Resources and one that passed with wide bipartisan support. The anti-manipulation authority was intended to give FERC the tools to combat the type of manipulation we saw in the Western Power Crisis from 2000 to 2001. I am pleased to hear that FERC has brought a number of significant anti-manipulation cases and that the EPAct authority I gave to FERC has been put to good use to protect consumers, as well as the integrity of the wholesale natural gas and power markets.

I could not think of a more compelling person to have in your corner than the former Republican chair of the energy committee in support of the Bay nomination.

Now, there are a handful of Members on the other side that have opposed every nominee put forward by President Obama because their agenda is very different. It is a political agenda. But on policy, Senator Pete Domenici's testimony goes a long way in his support of a man who he believes is extremely qualified for the job to which the President has nominated him.

In addition to the compelling testimony of Senator Domenici, which was very influential in my final decision to support this nominee, I also want to present for the record the letter from the Republican Governor of New Mexico, Susana Martinez, who let me know personally that she would have loved to have been there personally to testify on behalf of Norman Bay but was unable to do so because of her schedule. She goes on to write a strong letter of recommendation, which is in the record of our committee. She says:

I am certain that Norman has been dedicated in his efforts to protect consumers, has been fair and balanced in his approach, and has focused on doing the right thing on behalf of the public interest.

For all those reasons, I hope the Committee on Energy and Natural Resources will approve Norman's nomination to the Federal Energy Regulatory Commission.

These are just a few of the strong testimonials that led me to finally consent to my support of Norman Bay, but I did so with the support of the Presiding Officer as a member of the Energy and Natural Resources Committee, making sure that the current chair, Cheryl LaFleur, could stay on for an additional length of time. I would have liked another year. Some people wanted 3 months, some people wanted 6 months, and some people wanted a full term. But we settled on a 9-month compromise—which is actually the fundamental nature of our business in the Senate.

It has been lost in the last couple of years, but I continue to be an optimistic believer that a good compromise can help us move the country forward, reduce rancor, hold people together, and make some decisions that are so important for the people who we are trying to serve.

FERC is not an insignificant entity. FERC, given the power by us, is the guardian of the public interest in our natural gas and electricity markets,

something that Louisiana knows a lot about—natural gas and electricity markets.

We produce a tremendous amount of oil and gas for this Nation, and we consume a lot of oil and gas as producers of chemicals and other products that use natural gas as a feedstock. We are proud of our industry, and I would never casually support members on FERC if I didn't believe they were prepared to do this job and to do it well.

In particular, with the testimony from the former Republican chairman of the committee and a current serving Republican Governor for Norman Bay, I feel confident, based on his background, that he could do a good job, after working with Cheryl LaFleur for 9 months, which is the agreement that the White House and others have made.

Let me talk about Cheryl LaFleur for a moment. She is a graduate of Princeton. She is able, she is competent, and she has served as a member of FERC. She, in my view, has also been doing a spectacular job. She will continue to serve as chair of FERC for the next 9 months—should she be confirmed today—and will continue with the members of FERC to try to provide reliable power and electricity to our country—being fair and protecting the public interest.

This is a very complicated field of law and policy, as we know. This is not an easy part of the law to interpret.

There are many different electricity markets, there are many different ways to supply it. They are not-for-profits, they are municipals, and they are public utility companies. They all have pipelines and issues that have to go before FERC, and there are over 2,000 people who work for this agency. It may not be a household word, but it affects every household in America. So Cheryl LaFleur will remain, at my request, as chair for 9 months. Norman Bay will come on and train, if you will, under her leadership, and I think grow into the role as a policymaker. He clearly is qualified—by the demonstration of the letters I have put in.

I thank the Presiding Officer for the leadership role he has played in outlining that path forward, trying to broker a compromise between people who wanted to do it very differently.

We had opposition on both sides for what is actually happening today, as we know, but we worked with Democrats and Republicans, trying to find a way forward, honoring the right of the President to make his nominations and still doing the right thing by FERC and the country. I personally think we have achieved that. I wanted to put that on the record before we vote. I understand the vote should be called any moment now.

I yield the floor.

VOTE ON BAY NOMINATION

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired. Under the previous order, there will now be 2 minutes of debate prior to a vote on the Bay nomination.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to yield all time back for both sides.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Norman C. Bay, of New Mexico, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2018?

Ms. LANDRIEU. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Tennessee (Mr. CORKER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''nay'' and the Senator from Tennessee (Mr. CORKER) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 224 Ex.]

YEAS—52

Baldwin	Harkin	Nelson
Begich	Heinrich	Pryor
Bennet	Heller	Reed
Blumenthal	Hirono	Reid
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	Klobuchar	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Manchin	Udall (CO)
Coons	Markey	Udall (NM)
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murphy	
Hagan	Murray	

NAYS—45

Ayotte	Flake	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Heitkamp	Risch
Chambliss	Hoeven	Roberts
Coats	Inhofe	Rubio
Coburn	Isakson	Scott
Cochran	Johanns	Sessions
Collins	Johnson (WI)	Shelby
Cornyn	King	Thune
Crapo	Kirk	Toomey
Cruz	Lee	Vitter
Enzi	McCain	Walsh
Fischer	McConnell	Wicker

NOT VOTING—3

Alexander	Corker	Schatz

The nomination was confirmed.

VOTE ON LAFLEUR NOMINATION

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote on the LaFleur nomination.

Mr. JOHANNS. Mr. President, I yield back all time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Cheryl A. LaFleur, of Massachusetts, to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2019?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Tennessee (Mr. CORKER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea'' and the Senator from Tennessee (Mr. CORKER) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 7, as follows:

[Rollcall Vote No. 225 Ex.]

YEAS—90

Ayotte	Franken	Merkley
Baldwin	Graham	Murkowski
Barrasso	Grassley	Murphy
Begich	Hagan	Murray
Bennet	Harkin	Nelson
Blumenthal	Hatch	Paul
Blunt	Heinrich	Portman
Booker	Heitkamp	Pryor
Boozman	Heller	Reed
Boxer	Hirono	Reid
Brown	Hoeven	Risch
Burr	Inhofe	Rockefeller
Cantwell	Isakson	Rubio
Carper	Johanns	Sanders
Casey	Johnson (SD)	Scott
Chambliss	Johnson (WI)	Sessions
Coats	Kaine	Shaheen
Coburn	King	Shelby
Cochran	Kirk	Stabenow
Collins	Klobuchar	Tester
Coons	Landrieu	Thune
Cornyn	Leahy	Toomey
Crapo	Lee	Udall (CO)
Cruz	Levin	Udall (NM)
Donnelly	Manchin	Vitter
Durbin	Markey	Warner
Enzi	McCain	Warren
Feinstein	McCaskill	Whitehouse
Fischer	McConnell	Wicker
Flake	Menendez	Wyden

NAYS—7

Cardin	Moran	Walsh
Gillibrand	Roberts	
Mikulski	Schumer	

NOT VOTING—3

Alexander	Corker	Schatz

The nomination was confirmed.

NOMINATION OF JAMES D. NEALON TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS

NOMINATION OF ROBERT A. WOOD FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT

NOMINATION OF PAUL NATHAN JAENICHEN, SR., TO BE ADMINISTRATOR OF THE MARITIME ADMINISTRATION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nominations, which the clerk will report.

The assistant bill clerk read the nominations of James D. Nealon, of New Hampshire, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras; Robert A. Wood, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as U.S. Representative to the Conference on Disarmament; and Paul Nathan Jaenichen, Sr., of Kentucky, to be Administrator of the Maritime Administration.

VOTE ON NEALON NOMINATION

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote on the Nealon nomination.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, we yield back time on all three nominations.

The PRESIDING OFFICER. Is there objection?

Without objection, all time is yielded back.

Hearing no further debate, the question is, Will the Senate advise and consent to the nomination of James D. Nealon, of New Hampshire, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras?

The nomination was confirmed.

VOTE ON WOOD NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Robert A. Wood, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as U.S. Representative to the Conference on Disarmament?

The nomination was confirmed.

VOTE ON JAENICHEN NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Paul Nathan Jaenichen, Sr., of Kentucky, to be Administrator of the Maritime Administration?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

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

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I come to the Senate floor today in support of the Not My Boss's Business Act. I thank Senator MURRAY and Senator UDALL for introducing this legislation to help address the recent Supreme Court decision.

Women have gone to the tops of the mountains and to outer space. Women are serving as CEOs, as scientists, and starting our own companies. Here in the Senate we have gone from no women to 20, and that is a great accomplishment.

But for all of our progress—and there has been a lot—this stubborn fact remains: Women still struggle to attain the basic health care services that allow them to plan their families, protect their health, and contribute to our economy. This is fundamentally an issue of fairness and an issue of equality.

I have always said that the Affordable Care Act is a beginning and not an end. I would like to see changes to that bill. I have sponsored changes to that bill. But the law does take significant steps forward on health care for women. One that is of particular importance to women is requiring that all health insurance plans cover FDA-approved forms of contraception. This decision was based on the recommendations of the Institute of Medicine.

The Institute of Medicine had good reason to include contraception as an essential preventive service. We know that pregnancies that are planned are good for moms; they are good for babies. Better access to contraception prevents unintended pregnancies—something we can all agree we want. We do not want unintended pregnancies. We do not want to have abortions. So better access to contraception, as has been proven time and time again, brings down those numbers. And access to birth control is essential for women to meet their career and their education and their family goals.

Not every employer was required to provide contraceptive coverage. Certain nonprofit religious employers were allowed an exemption. It protected the beliefs of religious nonprofits but could be implemented in a way that still ensured all women could receive the same preventive services in their health insurance.

What I do not believe is sensible, however, is allowing any for-profit business to ask for an exemption. That, in practice, is what the Hobby Lobby Supreme Court ruling could do and what the bill we are considering today would correct.

First, what this bill will not do: It will not force churches or religiously affiliated nonprofits to offer contraception coverage. This bill maintains their exemption. It will not force anyone to use contraception. That decision is and must remain with each person.

What this bill will do, however, is to add a provision to the Affordable Care Act's requirements that would prohibit an employer from denying coverage of a health care service that is required under Federal law. It clarifies that this requirement applies even under the Religious Freedom Restoration Act—the law that the Supreme Court ruled was violated by the contraception coverage requirement.

In other words, it says if you work for an American corporation, you can expect that your health insurance—which you work for and receive as part of your compensation—will cover the same basic preventive health benefits everyone else receives. It says that your boss—regardless of his or her religious beliefs—cannot pick and choose what benefits your health insurance covers.

This is common sense. A woman's decision about her birth control is between her and her doctor, not her employer. What she chooses to use her compensation for is really not her boss's business, whether we are talking about a salary or other compensation, including health insurance.

There is no doubt that women have come a long way. But when a woman's boss can step in, as a result of this narrowly decided Court decision—a 5–4 ruling—and prevent her from making the best health care decisions for her health, her career, and her future, it makes me wonder just how far we have actually come.

Mr. President, that is why I urge you to support this bill. I urge my colleagues to support this bill. This important legislation will help preserve the rights of employees while protecting religious employers. It will help women access the preventive services they need and it will prevent unintended pregnancies and improve the health of both women and their children. That is not just good for women; that is good for families, that is good for business, that is good for our economy, and that is good for our future.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to finish my remarks.