



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, SECOND SESSION

Vol. 160

WASHINGTON, WEDNESDAY, JULY 16, 2014

No. 111

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts.

PRAYER

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

Let us pray.

Eternal God, we worship You, for Your loving-kindness, truth, and faithfulness sustain us. Though You are high, You respect the lowly. So today infuse our Senators with the spirit of lowliness and humility. Give them the wisdom to know that You give grace to the humble but oppose the proud. May their humility bring them that reverential awe that leads to honor and life. Lord, help them to remember that America's greatness comes not from the swagger of might but from the lowliness of that righteousness which exalts any nation. Guide our lawmakers with Your wisdom and uphold them with Your might.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 16, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. MARKEY thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

The assistant 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.

MEASURES PLACED ON THE CALENDAR—S. 2609
AND H.R. 5021

Mr. REID. Mr. President, I understand that there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2609) to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

A bill (H.R. 5021) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings regarding these bills at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will proceed to executive session and resume consideration of the nomination of Ronnie L. White to be a United States district judge for the Eastern District of Missouri. The debate will be until 10:15 a.m. Senators GRASSLEY, CORNYN, and SHAHEEN will control 10 minutes each of that time and Senator MCCASKILL will control any remaining time.

We have moved the time up, and I appreciate very much the cooperation of the Republicans because this is so one of our Senators can attend the funeral of one of his best friends. But we are not going to extend the time past 10:15 a.m. In light of that I am not going to give any statement today. If cloture is invoked, we will have a 12:20 p.m. vote.

Upon disposition of the White nomination, the Senate will resume legislative session and proceed to the motion to proceed to S. 2578, the Protect Women's Health From Corporate Interference Act. The time until 2:10 p.m. will be equally divided and controlled between the two leaders or their designees, with each side controlling 5 minutes of the final 10 minutes. At 2:10 p.m. the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to S. 2578.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that the time between 3:30 p.m. and 4:30 p.m. be under Republican control and the time between 4:30 p.m. and 5:30 p.m. be controlled by the majority.

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

ORDER OF BUSINESS

Mr. REID. Mr. President, there will be an all-Senators briefing at 5:30 p.m. this afternoon, and it is all related to the emergency supplemental request to

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



Printed on recycled paper.

S4513

address the child and adult migration from Central America to the Southwest border.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

PROTECTING EVERYONE'S RIGHTS

Mr. MCCONNELL. Mr. President, Members of Congress do not always see eye-to-eye on everything. It is fairly obvious. There are often strong and principled disagreements about taxes, the size and scope of government, ObamaCare, foreign policy—you name it. But let's be clear: When it comes to decisions about contraception, both parties believe a woman should be able to make her own decisions.

Now, some on the other side would like to pretend otherwise. They think they can score political points and create divisions where there are not any by distorting the facts. And that is why their increasingly outlandish claims—claims one nonpartisan fact-checker described as “simply wrong”—just keep getting debunked. Even worse, our friends on the other side are now on record as saying we should protect the freedoms of some while stripping away the freedoms of others.

Republicans continue to insist that we can and should be in the business of protecting everyone's rights. We think that, instead of restricting Americans' religious freedoms, Congress should instead work to preserve a woman's ability to make contraception decisions for herself. And the legislation Senator AYOTTE, FISCHER, and I filed yesterday would do just that.

The Preserving Religious Freedom and a Woman's Access to Contraception Act would clarify that an employer cannot block an employee from legal access to her FDA-approved contraceptives. It is a commonsense proposal. It reaffirms that we can both preserve America'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.

Our bill would also ask the FDA to study whether contraceptives could be made available to adults safely without a prescription. And it would allow women to set aside more money in their flexible spending accounts so they can cover out-of-pocket medical expenses, many of which are skyrocketing under ObamaCare.

So if Democrats are serious about doing right by women—if they are not just interested in stoking divisions in an election year—then they should get on board with our legislation. That is a start. And then they can work with us to undo the damage their policies—like ObamaCare—have already caused to millions—millions—of middle-class women.

Research shows that American women make about 80 percent of the health care decisions for their families. Yet, thanks to ObamaCare, millions of women lost the health insurance plans

they had and they liked—causing enormous disruptions in their lives and in the lives of their families.

When women first spoke out about the betrayal they felt when they lost their plans, Washington Democrats said their plans were “junk” or worse, that they were lying, because Democratic politicians thought they knew better than all of these people we were hearing from. It was insulting to many, including one constituent who wrote to me from Woodford County. She described herself as a “lifelong self-employed professional” who “shopped hard” for a policy that she liked and wanted to keep. Here is what she said after Washington Democratic policies overruled her own personal choice of a plan:

The President has referred to my type of policy as “substandard.” In fact, it is a good product for people in my situation. It appears that the President does not understand personal finance, and does not trust Americans to choose products that are good for them. He also does not appreciate people like me who are willing to accept personal responsibility for a large part of my own routine medical expenses.

She is not the only one who feels this way, and she is not the only one who has been hurt by ObamaCare.

As a result of ObamaCare, too many women now have fewer choices of doctors and hospitals.

As a result of ObamaCare, millions of Americans—nearly two-thirds of them women—are now at risk of having their hours and their wages reduced.

As a result of ObamaCare, married women can face penalty taxes just for working.

As a result of ObamaCare and other changes by the Obama administration, a woman on Medicare Advantage could see her average benefits reduced by more than \$1,500 a year.

And thanks to ObamaCare, millions of women have had their flexible spending accounts limited and can no longer use tax-preferred medical savings to purchase all the medications they use—a wrongheaded policy that the bill we introduced yesterday seeks to address.

But that is just a start. Washington Democrats need to work with us to pass real health reform—actual, patient-centered reform that will not hurt women the way ObamaCare does. Because we have seen the letters from our constituents—letters such as the one I received from a woman in Mount Sterling who says ObamaCare did more than just cause her premiums to nearly double—it might make her medications unaffordable as well: “I am on three medications, [and] two years ago the copay was \$60 for each one,” she said. “Now, my medications are costing me a little over \$700 a month.”

That is not fair. It is not right. And this is just the kind of challenge both parties should be working together to address.

So let's do away with the false choices. Let's focus on actually helping women instead. Let's work together to

boost jobs, wages, and opportunity at a time when women are experiencing so much hardship as a result of this administration's policies.

Republicans have been asking Washington Democrats to do all of this for years now. It is about time they started showing they really care.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF RONNIE L. WHITE TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Ronnie L. White, of Missouri, to be United States District Judge for the Eastern District of Missouri.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:15 a.m. will be controlled as follows: 10 minutes for the Senator from Iowa, Mr. GRASSLEY; 10 minutes for the Senator from Texas, Mr. CORNYN; 10 minutes for the Senator from New Hampshire, Mrs. SHAHEEN; and any remaining time under the control of the Senator from Missouri, Mrs. MCCASKILL.

The Senator from Vermont.

Mr. LEAHY. Madam President, the Senate will vote today to try to end the unjustified filibuster against Judge Ronnie White, who has been nominated to serve on the U.S. District Court for the Eastern District of Missouri. Many Senators will remember Judge White from 15 years ago, when the Senate denied his confirmation by a partyline vote after an ugly campaign by Republican Senators to caricature him as a jurist who was soft on crime. Today, the Senate has an opportunity to reject that unjust characterization and confirm a well-qualified and principled man who has demonstrated his ability to be a fair judge and who is faithful to the law.

Throughout his exceptional career, Judge White has been a trail blazer in the legal community. In 1995, he became the first African American to serve on the Missouri Supreme Court and later became the first African American to serve as its Chief Justice. He previously served for 2 years as a judge on the Missouri Court of Appeals. Outside of his distinguished judicial service, Judge White has broad experience in the law, working in private practice as a partner in Missouri-based law firms both before and after his time on the bench, serving as City Counselor and Public Defender for St.