

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 consideration of the motion to proceed to S. 2578.

Under the previous order, the time until 2 p.m. will be equally divided and controlled between the two leaders or their designees.

Who yields time? Does any Senator yield time?

If no one yields time, the time will be charged equally to both sides.

The Senator from Utah.

Mr. LEE. Mr. President, the most extraordinary feature of the bill before us today is the incongruity between the bill's title and its content. The title, the "Protect Women's Health from Corporate Interference Act," is clear and straightforward. It suggests the bill is aimed at the important and worthy goal of protecting women's health. But the text of the bill plainly demonstrates that the bill's true objective is to circumscribe Americans' religious freedoms—the religious liberties of individual Americans—within the narrow confines of the Democratic Party's partisan agenda and the whims of politicians and bureaucrats.

While maintaining the appearance of preserving all of the current legal protections of religious freedom in America today, this proposal quietly adds to them a subtle yet deeply problematic and inappropriate qualification. The Federal Government will not prohibit the free exercise of religion until the Federal Government decides that it wants to do so. Under this bill, your religious liberties stop at the doorstep of the Democratic National Committee.

So I rise today in opposition to this bill because it doesn't do anything to protect women's health and it does much to undermine the bulwarks of religious liberty enshrined in our Constitution that have made America the most religiously diverse and tolerant Nation in human history.

Although this proposal is only the latest maneuver attempted by my Democratic colleagues to assert their power and restrict religious freedom in America, it also represents the culmination, at least for now, of their opposition to the Supreme Court's recent ruling in *Burwell v. Hobby Lobby*.

On June 30 of this year, the Supreme Court ruled that the Federal Government may not force closely held businesses to violate their sincerely held religious beliefs in order to comply with the contraceptive mandate issued by the U.S. Department of Health and Human Services under the Patient Protection and Affordable Care Act. This decision has received a great deal of attention, but it has received this attention for all the wrong reasons.

Contrary to what many critics have suggested, the Hobby Lobby decision did not promulgate national health care policy nor did it render any opin-

ion on the virtues of contraception and religious faith. No, the issue in Hobby Lobby involved not a dispute of competing rights but a straightforward application of plainly written law.

As the Constitution states in Article III, Section 2, the role of the Supreme Court is to adjudicate legal disputes by hearing "cases and controversies" that arise when two laws or two parties come into conflict.

In Hobby Lobby, the two laws in dispute were the Religious Freedom Restoration Act, passed by an overwhelming bipartisan majority of Congress and signed into law by President Clinton in 1993, and a Federal mandate issued by the Department of Health and Human Services, acting under the powers delegated to it by the Affordable Care Act.

The Religious Freedom Restoration Act, or RFRA as it is sometimes called, reaffirmed Americans' commitment to the fundamental religious liberty already protected by our Constitution.

With RFRA, a Democratic Congress and a Democratic President, in cooperation with Republican minorities in both Houses, declared that when the Federal Government seeks to infringe on Americans' religious liberty, it must clear two thresholds. First, it must show that the law in question serves a compelling State interest. Secondly, if it does, the law must do so by the least restrictive means possible.

Given that the government openly acknowledged that there was a significant number of far less intrusive means to ensure affordable access to the drugs at issue, the Supreme Court rightly ruled that the contraception mandate violated RFRA.

However unwarranted, the overheated response to the Hobby Lobby decision among some ideological extremists on the left has led some of my colleagues to introduce a bill that would not simply overturn that modest and narrow decision but fundamentally rewrite America's social contract as it pertains to matters of personal conscience.

Whereas, the Court's ruling was limited to "closely held" for-profit companies such as Hobby Lobby, this bill would empower the Federal Government to coerce employers of all faiths and of no faith into violating their deepest personal convictions. It would deny any employer—devout or secular, individual or corporate, for-profit or nonprofit—conscience protection under RFRA against all present and future government mandates.

Perhaps most troubling is the warped theory of rights underlying the text of this bill. This theory holds that the American people possess constitutional and legal rights only when acting alone but not when acting in a group. These rights, along with any duties one may hold as a person of faith, must be forfeited whenever acting in association with others, on penalty of fines to be paid to the Federal Government.

This view of religious liberty might be summarized as an amendment to

Matthew, chapter 18, verse 20: For where two or three are gathered together in My Name, there is the IRS in the midst of them.

This view is extreme. It is out of touch with the Constitution, with commonsense, and with America's heroic history of religious tolerance.

From our earliest days as a country, one of the sources of our strength as a people and one of the reasons for our success as a nation has been our robust understanding of religious liberty. The breadth and depth of that conception has allowed and encouraged people of all faiths and all traditions to live here in friendship and in cooperation with one another.

As two members of the U.S. Commission on International Religious Freedom put it:

... respect for the flourishing of people requires respect for their freedom—as individuals and together with others in community—to address the deepest questions of human existence and meaning. This allows them to lead lives of authenticity and integrity by fulfilling what they conscientiously believe to be their religious and moral duties. . . . It also includes the right to witness to one's beliefs in public as well as private, and to act—while respecting the equal right of others to do the same—on one's religiously inspired convictions in carrying out the duties of citizenship.

Expanding as wide as possible the space in which all people can witness their faith alongside one another has for two centuries elevated, enriched, and united American society. This robust conception of religious liberty was so essential to American unity that not only did the Founding generation reinforce its protection in a Bill of Rights—which many Framers actually thought was redundant—but it was the first freedom articulated in the First Amendment.

They understood, as most Americans still do, that the proper role of government is not to define people's happiness but to protect all individuals' equal rights, to pursue happiness according to their own hopes and values and conscience.

Yet for all its legal and constitutional protections, America's exceptional tradition of religious toleration rests ultimately on the uniquely American principle of equal dignity and respect for all women and all men, not simply as "fellow passengers en route to the grave" but as fellow pilgrims in search of their own promised land.

The authors of this bill know all of this. They know the American people reject their intolerance of diversity and indifference to the First Amendment. We know their bill cannot become law. Indeed, we know this for a fact because if the regulations they support were actually written in the law, ObamaCare itself would never have passed. It was slipped in after the fact by bureaucrats who are not subject to public accountability and never stand for election.

This legislation is more than an insult to the people it would target; it is

an embarrassment to the party leadership that has embraced it.

I still hold fast to that principle and to the freedom it preserves and thus strongly urge my colleagues to vote against this bill.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MURPHY. Mr. President, we are entering into a new era in which five men in the Supreme Court are going to get to make the decisions about what kind of health care you get as a matter of right, living under the protection of the laws of the United States, and what kind of health care you get as an employee, at the whim of the decisions made by your boss.

These are the kinds of decisions that your boss should be making: decisions about the direction of your company, decisions about the level of your salary, about new products that your business is going to offer.

This should not be your boss's decision. It should not be up to your boss as to whether you as a female employee get access to prescription contraceptives. But that is the world we live in today after the Supreme Court, in a 5-to-4 decision, has given the power to particular employers to deny women access to prescription birth control.

Prescription birth control, contraception, is used by 99 percent of women in this country at one point over their life. A big portion of those prescriptions are actually for purposes related to complicated medical treatments such as cancer therapy. No matter how the Supreme Court tries to explain this, there is no way to effectively differentiate what the Supreme Court has done on birth control with a whole other range of potential discrimination.

As Justice Ginsburg said in her dissent, this exemption the Supreme Court has given for employers' religious beliefs would extend logically with religiously grounded objections to blood transfusions held by Jehovah's Witnesses; to religious objections to antidepressants held by Scientologists; medications derived from pigs, including anesthesia, intravenous fluids, and pills coated with gelatin held by certain religions; and even vaccinations, a belief held by Christian Scientists, amongst others.

The idea that the Supreme Court is now going to get into the business of micromanaging which particular religious beliefs they are going to protect and which ones they are not going to protect is unacceptable to the majority of people I represent, so that is why I am here today to support the Protect

Women's Health from Corporate Interference Act. Pretty simple. All we are saying here is that employers should not be allowed to refuse health coverage that is guaranteed to their employees and their dependents under Federal law.

When we decide to pass a law with the majority of the House and the Senate agreeing to it, signed by the President, those protections should be available to all employees. It is not easy to pass a law and get it signed by the President. The Senate has already set up a lot of pretty significant barriers to the passage of any law, never mind a law that guarantees a certain level of health care coverage.

Until the Hobby Lobby decision, the Supreme Court has stayed out of that decision, said that if the Congress decides a minimum level of coverage should be available to employees, then employers should not be able to get in the way. That precedent is now blown up. There is no going back, as Justice Ginsburg has said. I hope we pass it this week.

The reality is it is more important now than ever to protect this coverage, because as a result of the Affordable Care Act, there are millions more women, millions more families all across the country who have access to prescription contraception. Twenty-four million more prescriptions for oral contraceptives were filled without a copay in 2013 than in 2012. That is by virtue of the protections in the Affordable Care Act.

On this particular type of prescription alone, the Affordable Care Act has saved \$483 million in out-of-pocket costs for oral contraceptives. That saved a lot of families money, but that has also given access to this important medication for millions of women.

It is just another example, just another piece of evidence amidst a mounting pile, that tells us the Affordable Care Act is working today. I want to spend a few additional minutes going over the latest litany of good news when it comes to the implementation of the Affordable Care Act. Republicans have kind of gone quiet, silent even, in many parts of the Nation, when it comes to their critique of the Affordable Care Act. That is in large part because on both sides of the aisle, there is a quiet acceptance that the Affordable Care Act is working. It has vanished from most campaigns as a political issue this summer and this fall because it is increasingly impossible, aside from anecdotal evidence, to make the case on an empirical data-driven basis that the Affordable Care Act is not working.

Senator REID did a little bit of this earlier this week, but I want to share again some of the new numbers we have. Here is maybe the most stunning number: The uninsured rate in the United States fell 2.2 percentage points in the second quarter of 2014. We now have the lowest quarterly rate of uninsured in this country since Gallup

began tracking this percentage in 2008. There are approximately 20 to 25 percent less people and families in this country without insurance than 6 months ago. That is absolutely stunning, that in 6 months of implementation of this act, we have taken one-quarter off the rolls of the uninsured in this country. Even the biggest optimists about how the implementation of the Affordable Care Act was going to go could not have guessed we were going to take that big a chunk out of the rolls of the uninsured.

But here is more evidence that this is working. Fifty-seven percent of the individuals who purchased coverage through the exchanges were uninsured when they were enrolled. So a lot of Republicans said: Well, you know, the big numbers you are seeing, 8 million people insured through the private health care exchanges, that may be people shifting from one kind of insurance to another.

Well, a Kaiser study says that, in fact, 6 out of 10 of the people who got insurance in the exchanges, through Medicaid, through staying on their parents' insurance, had no insurance beforehand. Frankly, to my mind, it does not necessarily matter, because to the extent they went on these plans coming off of another plan, it was for a reason: They were saving money, by and large. That is a good thing in and of itself.

But you have 4 out of 10 people going onto the new plans to save them money, 6 out of 10 people coming onto the new plans because they had no insurance at all. They are getting care as well. A new Commonwealth Fund survey says that 60 percent of the adults with this new coverage through the marketplace or Medicaid reported that they had visited a hospital or a doctor or filled a prescription. Sixty-two percent of those people said they could not have had access or afforded this care previously.

That was the theory. All of these people who were waiting to get so sick that they had to go to the emergency room, costing us all sorts of money in the long run, now can get preventive care. Of the 60 percent of the people who went out and saw a doctor because of the new coverage they had by virtue of the Affordable Care Act, 60 percent of them said they would have never gotten that care had they not had that coverage. That is millions of people, millions of people all across the country who are going to have an injury or an illness, who were going to sit at home and live with it until it got so bad they had to show up at the emergency room—they are now getting care.

What about the premiums? People said: Well, you know, these presume are going to be unaffordable and people are going to start paying them and then stop paying them. HHS did a survey of the premiums and found, on average, that the monthly premium people are paying is \$82 per month, after a tax credit is factored in.

Listen, \$82 a month is not pocket change. There are a lot of families out there who have trouble coming up with \$82 a month. But for somebody like Susie Clayton, a breast cancer survivor from North Canaan, CT, that is a big deal. She is paying right about that number, \$90 per month. But prior to the Affordable Care Act, because she had a preexisting condition, Susie Clayton was spending \$1,600 per month. There are hundreds of thousands of Susie Claytons out there. Premiums are pretty affordable.

The critics said: All right, we will concede that more people are getting covered. We will concede they are using the care. We will concede premiums are affordable, in part because you are spending all of this money on premium assistance. But you are going to just start spiraling health care costs. Well, that did not come true either. With April's updated CBO projections, spending on major Federal health care programs—Medicare, Medicaid, and the ACA subsidies—has now been revised downward by \$900 billion. That is a half a percent of GDP since the 2011 projections. So in 3 years, CBO has pushed down its projections of 10-year spending by \$900 billion.

Here is an even more stunning way to think about this. If you look at what CBO said we were going to spend on a per-Medicare recipient basis in 2010 versus what they now say we are going to spend on that recipient today over the next 10 years, that per-Medicare recipient spending level has been decreased by \$1,000. We are spending \$1,000 less per Medicare recipient.

That does not have anything to do with the private exchanges. That has to do with all of the other provisions in the bill that start to shift health care spending away from a system that rewards volume: How much medicine you practice to a system that rewards outcomes: How good is the medicine you are practicing. Are you keeping your patients healthy?

The reality is that spending is remarkably low, historically low on health care. Listen, admittedly, some of that is because of an economy that has been slow to recover over the course of the last 6 years. But a lot of that is because of the Affordable Care Act, so much so that I saw an article in the Wall Street Journal the other day that said the President was to blame for the slow economy because he had been so successful in pushing down the rate of health care spending that now it was an economic catastrophe that we were spending so much less than we had initially projected on health care. There is no way for the President to win. If health care expenses spiral and premiums spiral, it is his fault. But if he does something to control health care premiums and health care costs, than it is a drag on the economy.

In the long run, the truth is if we get health care spending down, really just a transfer payment within our economy, then we have room to spend more

money on much more necessary investments, in our infrastructure, in our scientific edge over other countries.

I am here today to support the underlying bill, because I think it is the right thing to do for women in this country, but also because it is part of a growing success story of the Affordable Care Act: \$500 million saved on prescription contraception alone. But add that to all of the other evidence, and we are living in a world in which it is increasingly hard to argue that the Affordable Care Act is not working: millions more people covered, huge chunks out of the uninsured rolls being eliminated, costs for overall health care expenses decreasing. I will not even get into it this afternoon, but quality is improving as well. That is people having hospital-acquired infections, having to be readmitted to the hospital.

The stories just keep on coming in. I certainly understand that on an anecdotal basis you can find people who have had negative experiences with the health care system under the Affordable Care Act. I could find millions of other people before the Affordable Care Act was passed as well. But there are many more people like Sean and Emilie Hannon, who are two freelancers from Weston, CT, who were looking for coverage previous to the Affordable Care Act being passed. The best they could do was \$1,500 per month from Golden Rule. When they heard about the Affordable Care Act, they called the Connecticut exchange and they found a plan through ConnectiCare that was going to cost them \$309 a month. This is a fairly young couple, a savings of nearly 80 percent compared to what they used to pay. That is a story that can be replicated millions of times all across this country.

We would be wise this week to restore this protection to women across this country so they have access to affordable prescription birth control. That is just one part of a growing, overwhelming array of both success stories and positive data about the implementation of the Affordable Care Act, proving that the ACA works.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BARRASSO. Mr. President, I come to the floor today to respond to some of the comments by the Senator from Connecticut and specifically with regard to the health care law. I come with an interest because I did part of my medical training in that State, still have many friends who practice medicine in Connecticut, and feel from the comments I hear from them that they see a very different side of the picture

than what we hear from the Senator from Connecticut.

For some time now Republicans have been talking about the terrible side effects of the President's health care law. The Senator from Connecticut made some references to a family who certainly may have been helped by the health care law, but there are clearly people in that State who are being harmed by the health care law.

In the past I have spoken on this floor about a story in the Washington Post about how the health care law is hurting families all across Connecticut. The article said that two insurance carriers in the Senator's home State of Connecticut have proposed increasing their health insurance premiums by an average of about 12 percent. I didn't hear the Senator from Connecticut make reference to that today. So some people will have smaller increases than the average, but many people in Connecticut are going to pay much more. That is an expensive side effect families are going to have to deal with because of the President's health care law for which the Democrats in the Senate have voted.

There was another article a week or so ago in The Hill newspaper with the headline "Personal data on ObamaCare enrollees may be compromised." It says:

Connecticut's health insurance exchange acknowledged Friday that the personal information of some enrollees may have been compromised.

Someone found a backpack on a street in Hartford, CT, containing personal information of about 400 people, and it looks as if some of the information is connected to the exchange.

It is interesting. There was a story in the Danbury, CT, newspaper. The headline is "Affordable Care Act could cost schools big bucks." So it is not just health care; the Affordable Care Act itself could cost the schools big bucks. I haven't heard the Senator from Connecticut make reference to that. This could cost school districts hundreds of thousands of dollars they didn't expect to pay.

The Senator from New York is here, and I don't know if the Senator has time locked in. If not, I wanted to speak for a few more moments because this continues to be a major impact.

The law includes a special tax on what are called the Cadillac plans. These are generous health insurance plans that some people—such as union workers, police, and school employees—get in some places.

Another big thing is the way the law defines full-time workers, and this is a problem we are seeing in a lot of places. Employees are considered full time under the health care law if they work 30 hours a week. So schools—schools that are being impacted—are having to provide insurance for those people or cut back their hours.

It is hurting a lot of folks in the Senator's home State and specifically in the school districts in Connecticut.

What they are finding is that they are having to pay more money to buy insurance for the people whom they can't cut back. So the school superintendent in Danbury, CT, wrote to the congressional delegation from Connecticut asking for help. According to a newspaper story from Danbury, he wrote:

Unless there is some reasonable modification to the ACA [the President's health care law] there will be a tremendous drain on our limited resources.

So when I see the Senator from Connecticut with a sign that says the health care law works, I would say: Not for many people, and it is harming people, including students in our schools. The law is a drain on resources of schools, towns, and counties across the country—a very costly side effect of the health care law at the local level.

I hear the same from my constituents in Wyoming who are seeing similar decisions having to be made, tough choices. I know the Senator from Connecticut is hearing it from his constituents, such as the superintendent of schools in Danbury.

Middle-class families are getting smaller paychecks because of the law. School districts are getting stretched thin by the health care law. Families are having to pay higher premiums because of the health care law, and on top of that they are being exposed to potential fraud and identity theft in the exchanges created by the health care law, as evidenced by a backpack found on a street in Hartford, CT, containing names, Social Security numbers, home addresses, and birth dates of people who signed up for the exchange.

Republicans are going to keep talking about these devastating, dangerous side effects of the Democrats' health care law. We are going to keep pushing for real health care reform that gives people the care they need from a doctor they choose at a lower cost.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise today to discuss the Protect Women's Health From Corporate Interference Act of 2014, introduced by my friends and colleagues Senator MURRAY and Senator UDALL. I am proud to be a cosponsor of this legislation.

We are at a critical moment when it comes to women's health care rights. We just witnessed a Supreme Court decision that curtailed important access to health care for employees across the country. The Hobby Lobby case has now opened the door for the vast majority of companies and bosses to start denying their employees contraceptive coverage if the owners have a religious objection. We must slam the door shut. To do that this body must set the record straight about the law the Supreme Court used to make their decision, the Religious Freedom Restoration Act.

As one of the original authors of the Religious Freedom Restoration Act, I

was the lead sponsor in the House of Representatives. Senator Kennedy was the lead sponsor in the Senate.

I can say with absolute certainty that the law has been unwisely stretched by the Supreme Court to extend religious protections to corporations Congress never intended to be covered under the bill. I am compelled to do so because several of my colleagues on the other side have come to the floor to defend the Hobby Lobby decision using my words. These were arguments I made in 1993 when we first passed the RFRA and we were dealing with the protection of individual—underlining individual—liberties. The quotation they used dealt broadly with the importance of religious freedom of expression in our country. I said the RFRA would help restore the American tradition of allowing maximum religious freedom. That is as true today as it was then. I believe as strongly in RFRA as it was written then as I do now, but it was misinterpreted and wrongly expanded by the Supreme Court.

When my colleagues used this quotation as a point of argument, they completely missed the point of the debate. The debate is not about the conflict between freedom of religious expression and government-mandated health coverage. That is a false choice. The debate is really whether the Supreme Court appropriately interpreted the RFRA in applying it to profit-making corporations.

As the author of the bill, I can say again with absolute certainty that the Supreme Court got the Hobby Lobby case dead wrong.

When we wrote RFRA back in 1993, we did so to protect that which individuals with strong religious beliefs had always enjoyed—the presumption that they should be able to exercise their religious beliefs without interference from the government. But the Court took that protection and misapplied it to for-profit companies that exist for the purpose of benefiting from the open market.

The Hobby Lobby decision marks a sharp departure both from the intent of RFRA and from prior judicial interpretations of RFRA. The Supreme Court got it wrong. That is why this bill, authored by my colleagues from Washington and Colorado, is of paramount importance—to clarify the law and to restore protections for employees that were stripped away by this wrong-headed Supreme Court decision.

My colleagues on the other side of the aisle will continue to assert that this is just another assault by Democrats on free exercise of religion or peddle other falsehoods. So I would like to clearly explain what this bill will and won't do.

This bill will ensure that companies cannot deny their workers any health benefits, including birth control, as required to be covered by Federal law.

This bill will make it clear that bosses cannot discriminate against

their female workers, ensuring equal treatment under the law for tens of thousands of workers whose coverage hangs in the balance.

This bill is not only about birth control. The Hobby Lobby decision has implications for other health services, and now this bill will ensure that all covered employees have access to all necessary health care—not only contraceptives but also blood transfusions, antidepressants, and vaccines.

The bill does not require churches or nonprofit organizations to provide contraceptive coverage even when they object on religious grounds. The Affordable Care Act exemption process for nonprofit organizations with a religious mission is unchanged by this bill.

This bill will not allow new laws that can target specific religious groups.

The bill only applies to health care.

Most importantly, this bill does not restrict the Constitution's First Amendment right to free exercise of religion. The bill only clarifies the relative weight the Court should give when two Federal statutes—such as the Affordable Care Act and the Religious Freedom Restoration Act—come into conflict.

As I continue to say, RFRA was intended to give individuals who profess strong religious beliefs what they had always enjoyed—the strong presumption that they should be able to exercise their religious beliefs without government interference. RFRA was not intended to extend the same protection to for-profit corporations the very purpose of which is to profit from the open market.

The Supreme Court's cavalier decision to grant religious rights to closely held corporations could curtail the health care freedom of women at as many as 90 percent of American businesses. By putting health care decisions in the hands of a woman's boss instead of a woman and her doctor, the decision creates a slippery slope that could affect tens of millions of Americans—our daughters, our wives—in the future.

We need this bill to clarify the law and firmly protect a woman's right to access essential health care.

I thank my colleagues Senator UDALL and Senator MURRAY for offering this legislation. I urge my colleagues to support this effort to protect women's health care and religious freedom.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, I rise today to speak about one of the saddest developments in the Senate—namely, the all-out assault on the First Amendment being led by Senate Democrats.

It is important to clarify what the issue before this body is not about. The issue before this body is not about access to contraceptives, despite a whole lot of politicking by Senate Democrats who suggest to the contrary.

In this body the number of people who would do anything to restrict access to contraceptives to anybody is

zero. Let me repeat that. There is no one in this body, there is no one I am aware of across the country who is advocating restricting anyone's access to contraceptives.

My wife and I are blessed with two little girls. I am very glad we don't have 17.

Nobody, nobody, nobody is talking about restricting access to contraceptives.

What are we talking about? What we are talking about is the Federal Government using brute force to force people to pay for the abortion-inducing drugs of others against their religious faith. That is extraordinary. It is remarkable and it is dismaying.

I am sorry to show what the current First Amendment looks like in the wake of the Democrats' assault on the First Amendment.

In the Senate Judiciary Committee we have been debating on amendments some 47 Democrats have supported that would repeal the free speech protections of the First Amendment. Sadly, every Senate Democrat in the Judiciary Committee supported it.

Today, this body is considering another provision that would effectively cross out the free exercise rights.

Where have we entered when the Bill of Rights has become a partisan matter? What kind of world is it? It used to be the case that we would find bipartisan agreement that the First Amendment is part of our civil compact—that we will stand together with one voice in support of the free speech rights of individual citizens, in support of the religious liberty rights of individual citizens.

The proposal we are going to vote on in just a few minutes would go directly after the religious liberty rights of Americans.

Let me talk a little bit about one group of people who will be affected by this bill if this bill were to pass. Let me talk about the Little Sisters of the Poor, a group of Catholic nuns.

The Little Sisters of the Poor are an international congregation of Roman Catholic women founded in 1839 by St. Jeanne Jugan. Their mission is to:

... offer the neediest elderly of every race and religion a home where they will be welcomed as Christ, cared for as family and accompanied with dignity until God calls them to himself.

The bill that is being voted on on this floor would shut these nuns down. The bill that is being voted on on this floor, if it were adopted, would fine the Little Sisters of the Poor millions of dollars, unless these Catholic nuns are willing to pay for abortion-producing drugs for others.

When did the Democratic Party declare war on the Catholic Church? And let me note, this is not hypothetical. I am not suggesting in theory this might be applied to the Little Sisters of the Poor. Right now—today—the Obama administration is litigating against the Little Sisters of the Poor, trying to force them to pay for abortion-pro-

ducing drugs and threatening to shut the Little Sisters of the Poor down.

How far have we come from the basic bipartisan agreement in favor of religious liberty? Faith fines should have no place in American society.

The Little Sisters of Denver, which provides approximately 67 full-time jobs, has said it will incur penalties of roughly \$6,700 per day—nearly \$2.5 million per year—if it chooses to stay true to its religious beliefs; that is, \$2.5 million a year in faith fines—fines to Catholic nuns who are devoting their time to caring and providing health care for the elderly. That is more than one-third of their \$6 million budget each year.

What has become of the Democratic Party? When did they become so extreme that they would actually propose fining nuns millions of dollars if they are unwilling to pay for the abortion-producing drugs of others? That is not a mainstream position. That is a radical, extreme position.

I would encourage every one of my colleagues on the Democratic side of the aisle to ask themselves: How are they going to answer their constituents when they say: Senator, why did you vote in favor of a law that would fine Catholic nuns millions of dollars if they refuse to pay for the abortion-producing drugs of others?

Let me make a basic suggestion. If you are litigating against nuns, you have probably done something wrong. And the Obama administration is doing so right now.

Mr. President, drop your faith fines.  
Mr. Majority Leader, drop your faith fines.

To all of my Democratic colleagues, drop your faith fines. Get back to the shared values that stitch all of us together as Americans.

I call upon my Democratic colleagues to stop playing election-year politics. I recognize scaring women by suggesting someone is coming at their birth control may be good politics. It is false. Even the Washington Post has said it is false and a lie.

But election-year politics should not trump religious liberty. Senate Democrats should not wage war on the Catholic Church.

It is not just the nuns who are dismayed. The Catholic bishops have said the proposed bill "does not befit a nation committed to religious liberty" and would allow the government to "override religious freedom rights of Americans regarding health coverage."

So it is not just the nuns. It is to the Catholic bishops that the Democratic party has said: Your free exercise of religious rights has no place in a Democratic Senate.

The Catholic bishops went on to say:

If, in the future, the executive branch chose to add the abortion pill RU486, or even elective surgical abortion, including late-term abortion, to the list of "preventative services," those who object to providing or purchasing such coverage would appear to have no recourse.

Think about that for a second. The Catholic bishops just said the bill this

body is getting ready to vote on, if passed, would enable the Federal Government to try to force Catholic nuns to pay for and carry out partial-birth abortion. That is staggering.

If we want to talk about mainstream positions, there are mainstream positions, there are far-left positions, and then there is extreme radical fringe, which is the Federal Government forcing Catholic nuns to pay for partial-birth abortions. And that is where virtually every Senate Democrat is today.

Under the legislation before this body, the Catholic University Ave Maria would be forced to make the same choice: Authorize abortion-inducing drugs right now or pay millions of dollars in fines to the U.S. Government.

As Ave Maria President Jim Towey has said:

Ave Maria University pays 95 percent of the cost of the health plan we offer our employees. Under the federal mandate Ave Maria University would be paying for these drugs if we complied with the law. So we will not.

Every Senate Democrat who votes yes in a few minutes will be voting to fine Ave Maria Catholic University millions of dollars simply for standing true to their faith. That is a vote that should embarrass any Member of this body.

Mr. Towey went on to say:

We are prepared to discontinue our health plan and pay the \$2,000 per employee, per year fine rather than comply with an unjust, immoral mandate in violation of our rights of conscience.

Belmont Abbey College is another proud religious school—founded by Benedictine monks—that the Democrats have put in the same predicament. The Democrats' legislation would force Belmont Abbey College to pay \$20,000 a day in faith fines. Faith fines have no place in our democracy.

Let me ask again: Why are Democrats so hostile to the Catholic Church? Why are Democrats trying to use the Federal Government to fine Catholic institutions for holding true to their religious beliefs? It all comes down to a hard-line, extreme, out-of-touch position on abortion.

Just yesterday we had a hearing in the Senate Judiciary Committee about legislation so broad that it would set aside State laws providing parental notification for abortion, prohibiting late-term abortions, mandating taxpayer-funded abortions. These are extreme radical views held by a tiny percentage of the American people but yet held by a large percentage of Democratic activists.

This position would also rip apart the bipartisan legislation that President Clinton signed into law in 1993. The Religious Freedom Restoration Act passed the Senate 97 to 3. When President Clinton signed that Act, he said:

What [RFRA] 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. This judgment is shared by the people of the United States

as well as by the Congress. We believe strongly that we can never, we can never be too vigilant in this work.

We should listen to the words of Bill Clinton in 1993, and the Senate should back away from this assault on religious liberty.

I will finally note two simple things.

In 1997, when the Senate considered another assault on the free speech protections of the First Amendment, then-Senator Ted Kennedy, liberal lion of the Senate, stood and said:

We haven't changed the Bill of Rights in over 200 years and now is no time to start.

Senator Ted Kennedy was right in 1997.

Likewise, President John F. Kennedy, in a historic speech to the Nation, said:

I would not look with favor upon a president working to subvert the First Amendment's guarantees of religious liberty.

Where are the Kennedys today? Does any Democrat have the courage to stand and speak for the First Amendment today? Does any Democrat have the courage to stand and speak for the constitutional rights of practicing Catholics? Does any Democrat have the courage to stand and speak for the Little Sisters of the Poor? Does any Democrat have the courage to listen to the U.S. Conference of Catholic Bishops and speak for religious liberty?

It saddens me that there are not 100 Senators here unified, regardless of our faith, standing together, protecting the religious liberty rights of everyone.

Faith fines have no business in our democracy. I urge every Member of this body to vote no on this assault on basic religious liberty of every American.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I have come to the floor every day this week to talk about my commonsense bill to keep corporate interference out of women's private health decisions.

On Monday when I was on the floor, I shared the concerns of a Denver-based OB/GYN who said that in light of the Supreme Court's split decision in the Hobby Lobby case, physicians might now have to consider an employer's religious beliefs when making a medical recommendation to ensure their patients are covered for very basic contraceptive treatments.

Yesterday I spoke about a Colorado mother whose college-aged daughter depended on contraception—prescribed by her doctor—to help her manage a debilitating health condition that often kept her from attending class. She told me that without that contraceptive coverage through her family's health plan, her daughter would not have had the coverage for a medically necessary treatment.

Women are sharing these stories with me every day. And Coloradans agree—they should not have to ask for a permission slip to be covered by the method of contraception that is best for them.

Women should be in charge of their health care, not their boss, and certainly not a corporation.

This week my colleague from Washington State and I called on our colleagues to join us in supporting our bill—the Protect Women's Health From Corporate Interference Act—or the “Not My Boss's Business Act.” Our bill is straightforward. It is common sense. It ensures that no boss can come between a woman and her access to affordable health care.

I thank my colleagues who have come to the Senate floor this week to highlight the importance of passing this bill. In just a few moments, we will be casting our votes as to whether we should bring this bill to the floor. So I hope my colleagues on the other side of the aisle can at least agree this is a debate worth having. It is a discussion I know women and men in every State are encouraging their representatives to have.

After bringing this legislation to the floor for a proper debate, if my colleagues then believe that this simple bill to keep a boss's religious beliefs from impacting access to essential health care for millions of American women is misguided, then they can vote against it.

Bosses have no business interfering in women's private health decisions. Women have asked us to act. Let's act. I yield the floor.

Mr. LEAHY. Mr. President, last month five conservative justices on the Supreme Court decided that a corporation's rights can trump a female employee's right to make her own health care decisions. This is just the latest of several rulings from a thin majority of justices that diminish the rights of hardworking Americans and have a direct effect on their economic security. I am proud to be a cosponsor of the Protect Women's Health from Corporate Interference Act, which the Senate is considering today. It is needed to overturn the Court's most recent expansion of corporate rights.

For far too long, women were priced out of health care simply because of their gender. The very fact of being a woman, in effect, was brandished against women as a pre-existing condition. Thanks to the Affordable Care Act, much of the discrimination women faced in the health insurance market was eliminated. It is unthinkable that as recently as last year, a woman's health care premiums could cost 45 to 140 percent more than a man's. No wonder over half of women identified cost as a barrier to health coverage and why so many women went without insurance. Women could be denied coverage for something as simple as having had a C-section, or for being a victim of domestic violence. It is a travesty that in a country as great as ours this inequity survived as long as it did.

Unfortunately, in the Hobby Lobby decision, which this legislation would address, the Supreme Court set back

these advances in equality in health coverage by sanctioning the very discrimination in health care access and services that the Affordable Care Act remedied. By ruling that the owners of corporations may impose their religious beliefs on their employees, women are no longer guaranteed the right to make their own health care decisions. Additionally, this ruling could have far reaching consequences beyond access to contraception. Unless Congress acts, we could see employers restricting the right to other health care services, including vaccines or blood transfusions.

This ruling comes on the heels of another decision that also threatens women's access to health care. In *McCullen v. Coakley*, the Court ruled that a 35-foot buffer zone protecting women from harassment when entering women's health clinics was not justified and was therefore unconstitutional. This was yet another decision where the Roberts Court allowed other's rights—whether an employer or a stranger on the street who holds a different view point—to trump that of a woman seeking health care.

In addition to the Supreme Court narrowing the rights of American women, we have seen many legislative efforts across the country to cut away at the progress we have made in women's health over the last few years. We have seen Federal bills and amendments introduced that would take decisions out of the hands of patients and doctors, and place them with businesses and insurance companies. States have followed suit by passing laws limiting women's access to health care services. I believe our focus should be on improving access to quality and affordable health care for all Americans, not arbitrarily restricting the important treatments needed by millions of women.

The Protect Women's Health from Corporate Interference Act would restore Congress' intent by preventing any company from denying their workers specific health coverage, including birth control, as required to be covered by Federal law. Without this legislation, for-profit corporations that otherwise offer preventative health benefits can choose to deny their employers contraception coverage based on their bosses' religious beliefs. The bill before the Senate would once again prohibit bosses from discriminating against their employees based on their gender and would ensure that women's health care decisions are put back in the hands of those women and their doctors, where they belong.

At the core of the Affordable Care Act is the principle that all Americans, regardless of health history or gender, have the right to access health care services and make their own decisions about their health care. As chairman of the Judiciary Committee—and as a husband, a father, a grandfather, and as a Vermonter—this is a principle I take seriously. I will continue to fight



against efforts to roll back protections for women, minorities, or any group that has faced discrimination.

I hope that instead of focusing on ways to limit health care options for women, we can join together to promote the interests of women across America by supporting this bill. Nothing less than the economic security of our families is at stake.

#### PROTECT WOMEN'S HEALTH FROM CORPORATE INTERFERENCE ACT

Mr. LEVIN. Mr. President, I urge my colleagues to allow us to begin debate on the Protect Women's Health From Corporate Interference Act of 2014, of which I am a cosponsor.

One of this Nation's founding principles is respect for religious faith. Most all of us agree that one American should not be able to impose his or her religious convictions upon another. Yet the outcome of the Supreme Court's recent decision in the Hobby Lobby case is that thousands of Americans may lose the ability to make the most personal choices about what health care meets their religious or ethical standards and hand those decisions over to an employer.

The Court's reasoning in the Hobby Lobby decision was deeply flawed. As I and several colleagues argued in a brief to the Court, applying the Religious Freedom Restoration Act as the Court did seriously misconstrues the language of the statute and ignores the intent of Congress in passing it. Giving for-profit corporations the power to impose the religious beliefs of managers or owners upon employees is what violates basic religious freedom.

It is a central feature of our health care system that millions of Americans receive health insurance through employer-sponsored plans and those employers are most often, as was the case with Hobby Lobby, corporations. Business owners choose to incorporate because forming a corporation means access to limited liability and other government-conferred privileges.

But corporations don't have faiths. People do. That includes the women who have now lost their ability to make the most important and personal decisions about their health care.

If we are to say we truly value the freedom to practice any religion or no religion, as we see fit, surely that includes the freedom for American women to make choices about their own health care without the imposition of their employer's religious convictions. The Supreme Court's decision has elevated the religious faith of a business's owners above the values of that business's employees. That is not what the law envisions, and it is not what Americans believe.

I strongly support this legislation to repair the damage the Supreme Court has done. We should proceed to this bill, debate it, vote on it, and hopefully pass it. America's women and their families deserve nothing less.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the Protect Women From Corporate Interference Act, and I praise Senator MURRAY and Senator UDALL (of Colorado) for their work on this bill.

Let me first discuss the Supreme Court's 5-4 decision in *Hobby Lobby v. Burwell*—a decision that in my view is deeply disappointing. In the Hobby Lobby case, the Supreme Court found that large, closely-held, for-profit corporations have religious-freedom rights under the Religious Freedom Restoration Act of 1993 (RFRA). Major corporations can now assert a religious objection to generally applicable federal law.

It is possible such corporations will not get most exemptions they seek. This will be examined on a case-by-case basis. But the point is the Court has opened the door to granting these sorts of exemptions to large, for-profit corporations.

This is a far-reaching result that Congress never intended when it enacted the Religious Freedom Restoration Act.

As 18 other senators and I made clear to the Court in an amicus brief in the Hobby Lobby case, Congress's purpose in passing the Religious Freedom Restoration Act in 1993 was simple. Congress wanted to strengthen individuals' free-exercise protections, after a Supreme Court decision in *Employment Division v. Smith* (1990) limited those rights. But Congress never intended to grant new free-exercise protections to artificial, for-profit business corporations.

The Court's decision in Hobby Lobby went far beyond what Congress intended in passing the Religious Freedom Restoration Act. The Federal law limited by Hobby Lobby was the Affordable Care Act's requirement that preventive health services including contraceptives are covered without cost-sharing in both individual and employer-provided health plans. Preventive health services include contraception because it is basic health care for women. This is an important benefit secured by federal law for all American women, 99 percent of whom have used contraception at some point in their lives. The medical community has almost unanimously recognized contraception as basic and essential health care. As the Guttmacher Institute explained in 2011: Contraceptive use "help[s] women avoid short intervals between births, thereby reducing the risk of poor birth outcomes." "[S]hort birth intervals have been linked with numerous negative perinatal outcomes," including "low birth weight, pre-term birth and small size for gestational age." Contraceptives can also be used to treat common medical conditions including "menstrual-related migraines, the treatment of pelvic pain that accompanies endometriosis, and of bleeding due to uterine fibroids."

The Institute of Medicine also recognized the importance of these benefits

when it recommended that all FDA-approved contraceptives should be covered without cost-sharing, pursuant to the Women's Health Amendment to the health care law, which I strongly supported.

Yet the Court's decision in Hobby Lobby means a woman's employer can for religious reasons ignore the federal requirement to include this important health benefit in its health plan.

To me, that is wrong. A woman's employer-provided health plan should include basic preventive services required by law, without the owners of the corporation she works for imposing their own personal religious views upon her health care decisions.

I understand some have argued that this decision doesn't impact women's access to contraception because it doesn't allow a corporation to bar a woman from buying contraception. That's ridiculous. Of course health insurance coverage impacts access to care. That is the whole point of insurance. No one would argue that if an employer decided not to cover antibiotics that patients would still have the same access to needed medication on their own. When insurance coverage is limited, access is limited as well, particularly for those of lower financial means.

According to a 2009 study from the Guttmacher Institute, 23 percent of women surveyed reported having a harder time paying for birth control during the economic downturn, and this number rose to one out of three among those who were financially worse off compared to the year before. In fact, my Republican colleagues felt that prescription drug coverage was so important to ensuring patient access to medication that they led the creation of Medicare Part D, which was signed into law by President Bush. I supported that legislation and still believe that health insurance coverage is critical to ensuring patient access.

It is also important to note that contraception is not the only issue here. The Hobby Lobby decision means that other Federal health laws—including other benefits required by law, or even coverage itself—could be the subject of a religious objection by a corporate employer.

In the United States more than half of all individuals get insurance through their employer, and estimates suggest that more than half of Americans work for a closely-held corporation.

In the Affordable Care Act Congress recognized the importance of preventive care. We included coverage without a copay for effective prevention services as determined by independent medical experts. I will just name some: Blood pressure and cholesterol screening, colonoscopies, immunizations, HIV tests, mammograms and cervical cancer screening, diabetes screening, autism screening for children, hearing tests for newborns and screening for sickle-cell anemia.

The point is certain essential, preventive services for adults and children