

the worker's pregnancy even though the pregnancy did not affect the worker's ability to perform essential job functions.

These are all examples of simple changes employers can provide to a pregnant worker's job duties or requirements that would not substantially inconvenience the employer, while allowing pregnant workers to continue working through their pregnancies. Yet, all too often, pregnant workers are being denied these reasonable accommodations, leading to impossible choices for these workers.

Keep working in an unsafe environment. Is that a good choice? Taking leave early and running out before the baby is born? Or, No. 3, be let go or forced to quit and face the stress and financial strain that comes with losing their job.

There is no need for this to happen. The Pregnant Workers Fairness Act sets up a simple framework that is easily understood and utilized by both employers and employees.

Under the Pregnant Workers Fairness Act, a pregnant employee may request reasonable accommodations from their employer. The worker and the employer will then engage in an interactive process to determine how the employer can provide these reasonable accommodations to the worker. This protects both parties. The worker may not be forced to accept accommodations that are not needed and that do not address the original concern. The employer cannot be asked to provide an accommodation that would cause an undue burden on that employer.

If this process sounds familiar, that is because we have carefully crafted it to closely resemble the process under the Americans with Disabilities Act. The ADA is 30 years old—lots of case law in those years, testing and probing and examining this reasonable accommodations standard. So we have 30 years of evidence that reasonable accommodations is a way to protect workers who have a disability in the workplace, and it is also a great way to protect a pregnant worker. Reasonable accommodations.

Mr. President, at this time I will yield to my colleague, the Chair of the Senate Committee on Health, Education, Pensions, and Labor.

The PRESIDING OFFICER (Mr. KING). The Senator from Washington.

#### SIGNING AUTHORITY

Ms. MURRAY. Mr. President, I ask unanimous consent that Senator BALDWIN be authorized to sign duly enrolled bills or joint resolutions today.

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

#### UNANIMOUS CONSENT REQUEST—S. 4431—CONTINUED

Mrs. MURRAY. Mr. President, I am here today because no one should have to choose between their job and a healthy pregnancy.

It is outrageous that pregnant women in our country have been pushed out of their jobs by their em-

ployers because, as you just heard, they asked for an additional bathroom break or because their doctors say they need to avoid heavy lifting or because their employer can't be bothered to simply provide them a stool to sit down on.

It is unconscionable that people who are looking forward to welcoming a new family member are having their lives upturned or losing the paychecks they depend on to make rent or buy groceries or pay for childcare, all because their employers refuse to provide basic, commonsense, low-cost and even no-cost accommodations. We have got to do better.

That is why I am here with Senator CASEY, who has been a relentless champion on this issue, to urge all of my colleagues to let us pass the Pregnant Workers Fairness Act, which is a bipartisan bill that will make sure that no one is forced to choose between a job and a healthy pregnancy and everyone can get the reasonable workplace accommodations they need when they are pregnant.

Let me be clear: This is, fundamentally, a bipartisan bill that we have worked closely with our Republican colleagues on. Senator CASSIDY coleads this bill. He has been an amazing partner. It passed out of the HELP Committee overwhelmingly. It is supported by my ranking member Senator BURR, and it passed overwhelmingly on a bipartisan House vote.

There is no reason to stand in the way. We can send this to the President's desk right now.

We are really not here asking for much. This is very simple. Give pregnant workers a break, give them a seat, and give them a hand. Give them the dignity, the respect, and basic workplace accommodations that they need.

This is way overdue, and I can't think of a more commonsense, less controversial bill, and I hope that we can get it done today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I just want to add parenthetically before I offer the unanimous consent request—Senator MURRAY made reference to the overwhelming support. This bill, when it comes to a final vote, will have at least 60 votes in the Senate, if not more. I think it will be more than that.

But we should also note the passage in the House that Senator MURRAY made reference to, better than 3-to-1, 315 to 101, more than 75 percent of House Members support it—obviously bipartisan.

Mr. President, as if in legislative session, I ask unanimous consent that at a time to be determined by the majority leader in consultation with the Republican leader, that the Senate proceed to the immediate consideration of Calendar No. 425, S. 4431; further, that there be up to 2 hours of debate equally divided between the two leaders or

their designees, and that the only amendments in order be No. 1, LEE, and No. 2, BRAUN; further, that upon the use or yielding back of time, the Senate vote on the amendments in the order listed with a 60 affirmative vote threshold required for adoption; and that following the disposition of the amendments, the bill be read a third time and the Senate vote on passage of the bill, as amended, if amended, with a 60 vote affirmative threshold required for passage without further intervening action or debate. Finally, that there be 2 minutes of debate, equally divided, prior to each vote.

The PRESIDING OFFICER. Is there objection?

The Senator from North Carolina.

Mr. TILLIS. Mr. President, reserving the right to object.

I have to begin by thanking my friend and colleague, the Senator from Pennsylvania, for his efforts to ensure that pregnant women have access to accommodations—reasonable accommodations at work. They need to have healthy pregnancies.

As the husband of a wife who had two children while she was working and a grandfather of two grandchildren with a daughter who is a nurse, I absolutely want to make sure that those reasonable accommodations are accounted for.

However, in its current form, this legislation before us would give Federal bureaucrats at the EEOC authority to mandate that employers nationwide provide accommodations such as leave to obtain abortions on demand under the guise of a pregnancy-related condition. Worse still, the legislation would subject pro-life organizations, including churches and religious organizations, to potentially crippling lawsuits if they refuse to facilitate abortions in direct violation of their religious beliefs and their moral convictions.

Unlike title VII and the Americans with Disabilities Act, this legislation contains no exemptions for religious organizations.

I and a number of other people do not believe that abortion is healthcare. I believe it is a brutal procedure that destroys an innocent child.

The Federal Government should not be promoting abortion, let alone mandating that pro-life employers and employers in States that protect life facilitate abortion-on-demand.

I hope that we can work together on this legislation and amend it to address those concerns so that all the reasonable accommodations they worked so hard to achieve can be passed and can gain my support and the support of other colleagues. But until such time, sir, I have to object; and on behalf of Senator LANKFORD, Senator DAINES, and myself, I do object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. I yield to my colleague from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I regret that my colleague has objected to this bill, but I reject the characterization that this would do anything to promote abortion.

But it is probably not important what I think. I will quote the U.S. Conference of Catholic Bishops. Last night, they said—and this is the Catholic bishops:

We believe that [this] version of the bill, read in light of existing liberty protections, helps advance the [U.S. Conference of Catholic Bishops'] goal of ensuring that no woman ever feels forced to choose between her future and the life of her child while protecting the conscience rights and religious freedoms of employers.

This is the U.S. Conference of Catholic Bishops last night.

And I think as a physician, I can now speak. As a physician, I will say that there are times when a woman, if she wishes to continue in the workforce, needs an accommodation.

The Louisville police officer who was quoted in a Cincinnati paper spoke about her need for light accommodation; but those who were ultimately her boss would not give it to her because she was not “injured.” So they have a policy in which if you need it and on a doctor’s order you should, unless it was a doctor’s order because of pregnancy. And she was told that if she sought to use that, she would lose her insurance. At 5 months pregnant, she is going to lose her insurance.

I would argue the pro-life position is to make an accommodation for that woman who has those needs so she can safely carry the baby to term.

Now, by the way, it is also good for business. Others are endorsing this from the business sector. I will just give one: the U.S. Chamber of Commerce. They clearly see that this is something that is a reasonable accommodation not forced by unnamed bureaucrats in Washington, DC, or important people who are employing others across the Nation. The U.S. Chamber of Commerce has made this a top priority.

With regard to pro-life issues, let me also point out that the March of Dimes, who are so vitally concerned about the health of children, likewise supports it.

My colleague has mentioned that it passed out of the HELP Committee 19 to 2, strongly bipartisan, and then passed the House with 315 bipartisan votes.

Now, we have experience with these laws nationwide; 30 States have laws such as this already. But that leaves millions of American women uncovered, and our goal was to address it with this bill.

Now, let me just go back once more, because, apparently, this is a sticking point.

Is it possible that this law would permit someone to impose their will upon a pastor, upon a church, upon a syna-

gogue, if they have religious exemptions? The answer is, absolutely no. This is what the U.S. Conference of Catholic Bishops was referring to. The title VII exemption, which is in Federal law, remains in place. It allows employers to make employment decisions based on firmly held religious beliefs. This bill does not change this.

There is an exemption in title VI related to pastors and ministers and Rabbis who conduct their business. All of that remains in place, which is why the U.S. Conference of Catholic Bishops last night once again endorsed the bill.

Now, I think even those who oppose would agree that we need to have a safe environment for pregnant women and their unborn children in the workplace. They deserve our attention. I would say that this bill is pro-family, pro-mother, pro-baby, pro-employer, and pro-economy.

I hope at a later point we can pass it. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Just by way of conclusion, I hope we can continue to work with our colleagues to get this bill passed.

I want to say for the record, however, that under the act, under the Pregnant Workers Fairness Act, the Equal Opportunity Employment Commission, the EEOC, could not—could not—issue any regulation that requires abortion leave, nor does the act permit the EEOC to require employers to provide abortions in violation of State law.

The EEOC understands that what is reasonable is specific to each workplace. For example, if the accommodation conflicts with a generally accepted work rule, like a seniority system, that is generally not reasonable.

So for these and other reasons, we want to get this bill passed and not have to start all over again to delay the passage of the Pregnant Workers Fairness Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I ask unanimous consent that I, Senator KLOBUCHAR, Senator COTTON, and Senator PAUL be permitted to complete their remarks prior to the scheduled rollcall vote.

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

UNANIMOUS CONSENT AGREEMENT REQUEST—

H.R. 3843

Mr. LEE. Mr. President, I rise in strong support of H.R. 3843. This bipartisan package of commonsense antitrust reforms would bring a whole lot of much-needed improvements to the administration of our Federal antitrust laws.

First, it would update our merger filing fees to reduce the financial burden on the vast majority of filers. Second, it would implement the State Antitrust Enforcement Venue Act to allow State attorneys general to benefit from the same protection as Federal anti-

trust enforcers so that their enforcement actions cannot just be transferred out of their State to more defendant-friendly jurisdictions. And, third, this legislation would require companies that submit premerger filings with the FTC and Department of Justice to notify the Agencies of any subsidies or support that they receive from foreign countries of concern such as China, Russia, and Iran. This will allow our antitrust enforcers to ensure that American markets are not being manipulated by hostile States.

Finally, in addition to simply being good policy, these reforms are the product of bipartisan cooperation, exemplifying the model for future bipartisan cooperation on antitrust legislation.

I, therefore, stand in strong support of this legislation and in support of this request.

I would like to yield my time to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank my colleagues, Senator LEE and Senator COTTON.

We are united on this, as is Senator GRASSLEY, the ranking member of the Judiciary Committee, as is Senator DURBIN, the chair of the Judiciary Committee. These proposals got through our committee unanimously. We were able to pass them in different forms through this Senate on parts of different bills. And now this combined grouping of bills that the three of us have led have now passed the House of Representatives.

If you look at what is going on in our country right now, we have a competition problem in over 75 percent of our industries, ranging from ag to pharma to tech. A small number of large companies, more and more, are controlling more of the business than they did decades ago. Look at what just happened with Ticketmaster. The lack of competition is estimated to cost the median American household \$5,000 per year.

We all believe—we agree on some things, and we disagree on some things—but we all agree that we need to update our laws in some way. One of the ways you do this is to make sure that our enforcers can take on the cases against the biggest companies the world has ever known. The Agencies are now shells of their former selves. In 1980, when the Antitrust Division was working to break up AT&T, it had 453 lawyers. As of April of 2021, that number had fallen to 299. The FTC had 1,719 employees in 1980. Now it is down to 1,100. We cannot take on the biggest companies the world has ever known or put fair rules of the road in place if we expect the enforcers to use bandaids and duct tape. Not only that, they bring in money when they bring these cases.

So I am proud of the work Senator LEE and I have done together. I would note the leaders of both parties support