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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Eternal Lord God, who rules the raging of the sea, thank You for the gift of freedom. We are grateful for a nation where we can speak, vote, and worship as we wish. May we never take liberty's blessings for granted but remember our accountability to You to be responsible in our thoughts, words, and actions.

Use our Senators to preserve our freedoms. Let integrity be the hallmark of their characters, individually and corporately. Fill their hearts with Your unalterable, undiminishing, and unending love.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 1, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator

from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the surface transportation bill.

ORDER OF PROCEDURE

As I indicated last night, I now ask unanimous consent that there be 90 minutes of debate equally divided and controlled prior to the vote in relation to the Blunt amendment; that all other provisions of the previous order remain in effect; and that the time Senator MCCONNELL and I use prior to the vote not count against the 90 minutes.

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

Mr. REID. The vote will be somewhat after 11:00, but it shouldn't be long after 11:00. We hope that when we get rid of this amendment, we will be able to make an agreement with the Republicans on moving forward on this bill. We have been unsuccessful in doing that to this point.

SURFACE TRANSPORTATION ACT

Mr. REID. Mr. President, too often cooperation is in short supply here in the Senate, so I was pleased when we began consideration of a truly bipartisan jobs bill.

As I have said here a number of times in the past week or so, if there were

ever a bipartisan bill, this is it. Progressive BARBARA BOXER, conservative JIM INHOFE—they have agreed on a way to move forward on a bill that will save 1.8 million jobs and create about 1 million more jobs. So this would put millions of people to work right away.

Although our economy has gained momentum, there are still millions of Americans out of work, so it should be obvious why we can't afford to delay efforts to rebuild our roadways, our railways, and our bridges.

Almost 1,000 organizations, including business groups and labor unions that rarely see eye to eye on anything, support this commonsense measure. More than 30 of those groups, including the U.S. Chamber of Commerce and the American Automobile Association, AAA, have asked Senators to refrain from offering unrelated, ideological amendments to this bill. As I said, almost 1,000 organizations want this done.

Here is what the U.S. Chamber and AAA wrote recently:

The organizations that we represent may hold diverse views on social, energy, and fiscal issues, but we are united in our desire to see immediate action on the Senate's bipartisan highway and transit reauthorization measures.

We started on this piece of legislation on February 7. It is the first day of March now. These groups don't agree on much, but they do agree this legislation is too important to be bogged down with political amendments, so they spoke as one.

There was a time when this kind of cooperation was the standard in the Senate. There was a time when two Senators who had little in common could still share common purpose. There was a time when groups of Senators divided by political party could still be united in their desire to pass worthy legislation.

One Senator who has always exemplified that willingness to set aside philosophical and political differences and work together is my friend, the senior

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



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Senator from Maine, OLYMPIA SNOWE. I have always appreciated Senator SNOWE's ability to look at every side of an issue with a practical eye and not a political eye. Her courage, common sense, and moderation will be missed here in the Senate.

Over the last 15 years, I have had the pleasure of working many times with Senator SNOWE on an issue now at the forefront of this debate, both across the Nation and on the Senate floor. Beginning in 1997, we worked together to increase women's access to contraception and to make sure insurance companies treated contraceptives the same as other prescription medications. There are plenty of things on which Senator SNOWE and I disagree, lots of things, but by finding common ground, we improved women's health and reduced unintended pregnancies—something we should all agree on—and there is no question that it was accomplished by what we did legislatively. Unfortunately, the bipartisan progress Senator SNOWE and I made over the years is now under attack.

Today the Senate will vote on an extreme ideological amendment to the bipartisan Transportation bill. This amendment takes aim at women's access to health care. It will allow any employer or insurer to deny coverage for virtually any treatment for virtually any reason. I repeat: It will allow any employer or insurer to deny coverage for virtually any treatment for virtually any reason. I was pleased to hear that Senator SNOWE intends to oppose this measure. I read that last night.

Although the amendment was designed to restrict women's access to contraception, it would also limit all Americans' access to essential health care. Here are just a few of the life-saving treatments employers could deny if this amendment passes. This is hard to comprehend, but here is what some of them would be: mammograms and other cancer screenings, prenatal care, flu shots, diabetes screenings, childhood vaccinations.

To make matters worse, Republicans held up progress on an important jobs bill to extract this political vote. As the economy is finally moving forward a little bit, Republicans have tried to force Congress to take its foot off the gas. Every Member of this body knows the Blunt amendment has nothing to do with highways or bridges or trains or train tracks. This amendment has no place on a transportation bill, but with 2 million jobs at stake, the Senate cannot afford to delay progress on a job-creating measure any longer, so Democrats have agreed to vote on Senator BLUNT's amendment so we can hopefully move on. Once the Senate disposes of this partisan political amendment, I hope we will be able to resume in earnest bipartisan work on a transportation bill.

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

RELIGIOUS FREEDOM

Mr. McCONNELL. Mr. President, I have spent a lot of time in my Senate career defending the first amendment. Most of that time, I focused on the part that deals with free speech. But recent actions by the Obama administration related to the President's health care law have prompted many of us here and many across the country to stand in defense of another freedom that is covered in the first amendment; that is, religious freedom.

Let me say at the outset that most of us didn't expect we would ever have to defend this right in a body in which every one of us is sworn to uphold and defend the U.S. Constitution. Most of us probably assumed that if religious liberty were ever seriously challenged in this country, we could always expect a robust, bipartisan defense of it—at least from within the Congress itself. But, unfortunately, that is not the situation in which we find ourselves.

Democrats have evidently decided they would rather defend a President of their own party regardless of the impact of his policies. So rather than defend the first amendment in this particular case, they have decided to engage in a campaign of distraction as a way of obscuring the larger issue which is at stake.

If Democrats no longer see the value in defending the first amendment because they don't think it is politically expedient to do so or because they want to protect the President, then Republicans will have to do it for them. And we are happy to do that because this is an issue that is greater than any short-term political gain; it gets right at the heart of who we are as a people, and we welcome the opportunity to affirm what this country is all about.

What makes America unique in the world is the fact that it was established on the basis of an idea, the idea that all of us have been endowed by our Creator with certain unalienable rights—in other words, rights that are conferred not by a King or a President or certainly a Congress but by the Creator Himself. The State protects these rights, but it does not grant them, and what the State doesn't grant, the State can't take away.

The first of these rights, according to the men who wrote the U.S. Constitution, is the right to have one's religious beliefs protected from government interference. The first amendment couldn't be clearer on this point. The government can neither establish religion nor can it prevent its free exercise. And if the free-exercise-of-religion clause of the first amendment means anything at all, it means it is not within the power of the Federal Government to tell anybody what to believe or to punish them for practicing those beliefs. Yet that is precisely what the Obama administration is trying to do through the President's health care law.

We all remember then-Speaker PELOSI saying that we would have to

pass the health care bill to find out what was in it. Well, this is one of the things we found: It empowers bureaucrats here in Washington to decide which tenets religious institutions can and can't adhere to. If they don't get in line, they will be penalized.

According to congressional testimony delivered this week by Asma Uddin of the Becket Fund for Religious Liberty, this is not only unprecedented in Federal law but broader in scope and narrower in its exemption than the 28 State mandates that some have pointed to in the administration's defense.

Moreover, even in States with the strictest mandates, religious institutions can still either opt out of State-level mandate or self-insure. But if they try that now, they run into this new Federal mandate, making it impossible for the first time for religious institutions to avoid punishment for practicing what they preach.

Some of the proponents of this mandate say that in this case, we should just ignore the first amendment. That is what the proponents are saying—in this particular instance, just ignore the first amendment. They say that certain religious beliefs in question aren't particularly popular, so they don't really deserve first amendment protection. But isn't that the entire point of the first amendment—to protect rights regardless of who or how many people hold them? Isn't that the reason people came to this country in the first place, as a refuge from governments that said they had to toe the majority line?

Some of the proponents of this mandate have also said they are willing to offer a so-called compromise that would respect what they call the core mission of religious institutions. But here is the catch: They want to be the ones to tell these religious institutions what their core mission is. The government telling the religious institution what the core mission is—that isn't a compromise; that is another government takeover, only this time it isn't the banks or the car companies, it is religion.

Who do you think has a better grasp of the mission of the Catholic church, the cardinal archbishop of New York or the President's campaign manager? Who are you going to listen to on the question of whether this mandate violates freedom of religion, the president of one of the largest seminaries on the planet, R. Albert Mohler, or some bureaucrat in Washington? The question answers itself.

Look, this is precisely the kind of thing the Founders feared. It was precisely because of the danger of a government intrusion into religion, like this one, that they left us the first amendment in the first place, so that we could always point to it and say: No government—no government, no President has that right. Religious institutions are free to decide what they believe. And the government must respect their right to do so.