



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, FRIDAY, FEBRUARY 17, 2012

No. 27

Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

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

Let us pray.

Eternal Father, whose goodness and beneficence sustains us, thank You for the challenges of this day and for the opportunity to do Your will on Earth. Lord, we acknowledge that it is from You that we borrow our heartbeats.

Today, guide the steps of our lawmakers so that they will follow Your precepts and fulfill Your purposes. Keep them from temptation, from weakness and sin. Lord, fill them with a vibrant faith that will not shrink though pressed by many a foe. May their moments and their days ever flow in ceaseless praise.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, February 17, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A.

COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,

President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that when the Senate resumes legislative session following the vote on confirmation of the Furman nomination, the Senate proceed to the consideration of the conference report to accompany H.R. 3630; that there be up to 10 minutes of debate, equally divided between the two leaders or their designees prior to a vote on adoption of the conference report; that there be no motions or points of order in order to the conference report prior to the vote; and that following the vote on the conference report, the majority leader be recognized.

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

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in a period of morning business until 11:00 a.m., with the Republicans controlling the first half and the majority controlling the final half. We will not have the full half hour on each side. It will be until 11 a.m. today. My intent is to have the vote on the two pending matters; that is, the Furman nomination and the cloture vote on the surface transportation bill, beginning at 11 o'clock.

I ask unanimous consent that the second vote in order of that sequence be 10 minutes in duration and that—well, I don't need consent; the vote starts at 11 o'clock.

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

Mr. REID. Following morning business, we will resume consideration of the matters that will be before the Senate. At a time to be determined, there will be at least two rollcall votes.

I am sorry, I will rephrase that. We will have other votes, or vote, to dispense with the conference report. We have to find out what the House does on that matter first.

MEASURE PLACED ON THE CALENDAR—S. 2118

Mr. REID. Mr. President, S. 2118 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2118) to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

Mr. REID. I object to any further proceedings with respect to this legislation.

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

Mr. REID. Mr. President, I have to give a few remarks. They are very short in nature. Then my friend can proceed, but I will maintain the floor for just a few minutes.

2012 SUPERINTENDENT OF THE YEAR

Mr. REID. Mr. President, we were notified last night that Dr. Heath Morrison, Superintendent of the Washoe County School District—that is Reno and the metropolitan area there—is

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



Printed on recycled paper.

S879

being named the 2012 Superintendent of the Year by the American Association of School Administrators.

He is just a good person. He hasn't been there that long, but he came as a superstar and has changed that school district dramatically. He has raised student achievement, and he has improved the graduation rate. He has great teachers, administrators, and the whole staff has done very well.

During the short time he has been there—some 2 years—the graduation rates have increased by almost 25 percent. That is unheard of around this country, and this is a metropolitan area. His success is a testament to the impact quality educators have on school achievement and on students' lives.

I was pleased to submit a letter in support of Dr. Morrison's candidacy for this honor. He certainly deserves this recognition. So I look forward to continuing my work with Dr. Morrison and the Washoe County School District to help improve education for Nevada students. The entire school district, including the school board, is to be commended.

TRANSPORTATION AND PAYROLL TAX NEGOTIATIONS

Mr. REID. Mr. President, thanks to bipartisan cooperation, the conference committee reached an agreement to extend the payroll tax cut and unemployment insurance. This compromise effort also protects Medicare patients' right to choose the doctors who take care of them.

I commend the members of the conference committee for their diligence and dedication—for holding a lot more conference sessions. That is the way this place should be. They are hard and difficult, and they are representative of this body. It is hard to arrive at a result, but they did.

The Senate will vote on that conference report as soon as we can today. Of course, we will need Republican support to pass it. But the statements made by my friend, the Republican leader, make it pretty clear we will get Republican support because, among other things, Senator MCCONNELL said Republicans strongly support extending this tax cut for the rest of the year, and that is good.

Americans are waiting and watching what happens here today. With our economy gaining steam—though still fragile—it is crucial we prevent a tax increase on 160 million Americans, and these are working Americans. It is also important to protect the safety net for millions of Americans who can't find work. We have 3½ million people who are in some stage of unemployment in this great country, and we must protect seniors' access to quality medical care by protecting a drastic pay cut—by preventing a drastic pay cut for the doctors who take care of them.

An agreement to solve these issues was possible because Republicans

learned the meaning of the word "compromise." Both sides gave a little to get something done for the American people. We don't have to have a fight on everything. I have said that so many times recently. We need to work together.

We have coming up soon this transportation legislation. I am not happy with the amendments the Republicans have offered. I don't like them. They are not relevant or germane, most of them. But they have a right to offer those amendments, so we will have to work our way through those. I hope my Republican colleagues will understand when we get back that they can't have them all. But I will make an effort to go through those. We will have some votes the Republicans will not want to take either, but we will work through this and get this very important bill done.

Whether it is the State of Iowa, the State of Delaware, or the State of Nevada, it doesn't matter what State we are looking at, this bill is important because it means jobs and it is helping our infrastructure.

Mr. President, we have had thousands of organizations supporting this legislation. Well, that is an exaggeration, but more than 1,000—hundreds and hundreds: AAA, the U.S. Chamber of Commerce, all the construction groups, and labor unions wrote letters to us to get this passed. A number of them have written letters saying: Stop offering these irrelevant, ideological amendments to this bill. These groups believe, as I do, this measure is essential to job creation and economic growth. This legislation is too important for more delays.

Meanwhile, in the House of Representatives, their highway bill is so bad they had to take it down. The view of the Congressional Budget Office was that it would bankrupt the trust fund.

The highway bill has been paid for with a trust fund. People who buy some gasoline or diesel fuel pay a tax, and that goes into this big trust fund and allows us to do the infrastructure. But because of the economy and people's driving habits being different, the trust fund doesn't have enough money. That is why the Finance Committee, on a bipartisan basis, had to report enough out to fill up that trust fund. But it wasn't much money.

But what the Republicans have done is, in effect, place a tax on Federal employees to do that. That will never sell, Mr. President. That just will not work. We have to have bipartisan legislation.

So I hope the House, during its break period, will understand that we have to work together. We are going to send them a bill, and I hope they get one that is better than the one they can't now do and put one together they might be able to do. Then we will have a conference and work this out.

Mr. President, compromise worked for the payroll tax conference committee. It always works. So I look forward to that day and a significant accomplishment for this Congress.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 15 minutes in morning business.

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

POSITION REVERSALS

Mr. GRASSLEY. Mr. President, in recent weeks, we have seen the Obama administration reverse quite a few of its positions on very important issues, so I am going to go through several of those positions that have been reversed to remind people of the number and the consequences of those reversals, and also to remind people that when Presidents make promises, they do not always keep them.

This has continued to be a recurring pattern, where the administration's deeds have not lived up to its words. Here is the record:

The administration reversed its position on employer funding for employee contraception, sterilization, and abortion-inducing drugs under the new health care law. Those of us who opposed the President's law when it was passed in 2009 and 2010 warned Catholic groups that, if it passed—meaning if the health care reform bill passed—religious institutions would be required to pay for these services.

For some religious institutions, payment or providing these services would violate their constitutional right to freely exercise their religion under the first amendment. Sure enough, when the Department of Health and Human Services issued a regulation implementing the President's health care law, religious-affiliated entities, such as colleges, hospitals, and charitable organizations, were required to pay for these services. If these institutions did not pay, then they would face a \$2,000 fine per employee, per year under the health care reform bill.

Many Catholic entities objected. They correctly saw the rule as a threat to their freedom of conscience, protected by the first amendment. But many non-Catholics also were angered. They knew and feared that if the health care reform bill proposed by President Obama allowed the government to run roughshod over some people's freedom to practice their religion,