are we supposed to find out about it? Whistleblowers are very helpful.

It happens that President Obama's signing statement contended that this provision did not detract from his authority to direct department heads to supervise employee communication with Congress. Worse, it said this authority would be used when employee communication would reveal “confidential information.”

This signing statement, if carried out, would undermine congressional institutions as enacted into law, and it would harm the ability of Congress to conduct its constitutional duty to conduct oversight of the executive branch.

Then just this week, the President flipped again on yet another subject. In 2009, he said he was “pledging to cut the deficit we inherited in half by the end of my first term in office.”

At the time he was sworn in, the deficit was $1.3 trillion. The fiscal year 2013 budget the President has just proposed would create a $900 billion deficit—much more than half of the 2009 level that he promised to cut in half. This is true even after he proposes to raise taxes, since the amount of the new government spending he seeks is so enormous.

This is a long list of flip-flops, of failure to keep commitments, and hypocrisy. There are others as well.

I give the President the benefit of the doubt in his altered views of the PATRIOT Act, Guantanamo, and other national security issues. He holds an office in which he sees daily the unremitting national security threats the country faces. But for the other issues I have raised, the consistency of the Obama administration is its inconsistency.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. COATS. Mr. President, I am not sure what the order is here. I am happy to defer to whatever has been agreed to.

The ACTING PRESIDENT pro tempore. There is 7½ minutes remaining on the Republican side.

Mr. COATS. I will try to do less, and I thank the Chair.

THE BUDGET

Mr. COATS. This is the third anniversary of the President’s nearly $1 trillion stimulus bill. But it is not an anniversary worth celebrating.

Back then, the Obama administration promised the American people that the stimulus bill, if passed, would keep unemployment low, create 3.5 million jobs. So let’s look at where we are today.

The unemployment rate has remained above 8 percent for a record 36 months, and our economy has lost nearly one-half million jobs since the stimulus has failed— and failed badly. It was a

misuse of hard-earned taxpayer dollars, and it proves that when government tries to pick winners, many of their choices such as Solyndra, turn out to be losers and all that at the expense of the American taxpayer.

By looking at the president’s budget proposal that we are going to be dealing with this year for the next fiscal year, it appears the administration has not learned from its past mistakes.

Despite some hope for improvement in our economy, today millions of Americans awoke across the country without a job. This morning, millions of Americans are wondering how to make their next mortgage payment or pay for their medical bills, and how to fill up their gas tanks without breaking the bank. But little is being done here in Washington to address this. While it is obvious that there are no silver bullets of the sort we need, the budget the administration is proposing has 7 1⁄2 minutes remaining on the Republican side.

I yield the floor.

Mr. WYDEN. Mr. Senator from Indiana, I think it is clear that we simply have not addressed the fundamental problems underlying the fiscal situation that exists here in the United States. Until we level with the American people, saying you have a shell game going on here that will have to be repaired, probably with borrowed dollars, that is going to make our situation worse, yet we go home and say we have extended a tax cut for you. Let’s at least be honest with the American people and straight out and tell them we are simply taking money from the Social Security trust fund to extend the program here to give you a so-called tax break. It is a shell game. It is going to have to be repaid.

I think it is clear that we simply have not addressed the fundamental problems underlying the fiscal situation in the last years that exist here in the United States. Until we level with the American people and tell them we have the will to step forward and do what is necessary to save this country from default, to save these social safety net programs from default, we will be continuing what has been done in the past, and the threat is leaving us in an ever more precarious position.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

WOMEN’S HEALTH CARE

Mrs. SHAHEEN. Mr. President, I come to the floor today with a number of my women Senate colleagues to talk about what happened in the House Committee on Oversight and Government Reform. They held a hearing on the administration’s decision to
make sure that women have access to affordable contraception, but guess who was missing. The women. This is a picture of the first panel from yesterday’s hearing. Not one woman was seated at this table, not one woman at the table, yet the topic was women’s health.

What is more difficult to understand is that when female members of the House committee asked for a woman to testify along with the men, they were denied. Their request was simple; to allow a Georgetown Law School student, to testify on this panel of all men. As a woman she could speak firsthand about how this rule would impact women. But their request was denied because the chairman said Sandra Fluke was unqualified.

How can a woman be unqualified to talk about women’s health care? Yet every one of these men on the panel was deemed to be qualified to talk about women’s health care. I am disappointed because it is a disappointment that is shared by millions of women across this country. I am saddened that here we are, in 2012, and a House committee would hold a hearing on women’s health and deny women the ability to share their perspective.

Time and time again, women have been silenced in this discussion, a discussion about our own very personal health care decisions. In fact, a recent analysis of the leading cable news channels showed that almost every man’s perspective is heard by many men as women were invited to join the conversation.

I think it is critical to understand that the underlying issue here is about affordable access to contraception—something that is basic to women’s health. Birth control is something that most women use at some point in their lifetime and something that the medical community believes is essential to the health of women and their families. Research shows that access to birth control is directly linked to declines in maternal and infant mortality, that it can reduce the risk of ovarian cancer, and that it is linked to overall good health outcomes.

Some women, 14 percent of them, use birth control not as contraceptives but to treat serious medical conditions. That is about 1.5 million women.

When the administration first announced its decision to require employers to cover contraception insurance coverage for contraception, there was a robust conversation about religious liberty. In response to that, the President modified his decision last week, preserving the religious liberty of those religiously affiliated institutions, such as hospitals and universities, but also respecting the women who work for them. His decision ensured that all women have access to contraceptive coverage, and if a woman’s employer has a religious objection, women can get that coverage directly from their health plans.

The Catholic Health Association has supported this policy, and yet, as we saw yesterday, some attempt to continue to politicize this issue. We cannot lose sight that this is at the most fundamental level of debate about women’s preventive health.

Women deserve a voice in this debate because, after all, it is about this is about our health and it is about a health care decision that is between women, their families, their doctors, and their own faith.

I yield the floor.

The Acting President pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague from New Hampshire.

For millions of American women, reading the news this morning was like stepping into a time machine and going back 50 years, seeing the headlines and the photos of this all-male panel in the House talking about a woman’s right to access birth control, and no women were invited to the table. The chairman of the House oversight committee decided he was not going to allow a young woman who had been asked by the majority to testify and tell her story—actually of a friend who had lost an ovary because of her lack of contraception—because the woman was left to watch, like the rest of us, as all five men addressed the committee about how they supported efforts to restrict access to care.

I am sure by now many of my colleagues have seen the picture of this all-male panel, the picture that says a thousand words. It is one that most women thought was left behind when pictures only came in black and white.

But this was not the only story this morning that made women feel as if the lock had been turned back on them. The other story comes to us from the Republican Presidential nomination trail. It seems that yesterday, on national television, one of the chief financial backers for Rick Santorum, the Republican candidate who is now surging toward the nomination, suggested that contraception was once as simple as a woman putting aspirin between her knees. Really? Shocking. Appalling. An insult. In fact, both of these stories are enough to make any woman, regardless of her own politics, angry. It certainly does me.

These are things that are happening today that make you believe that after years of progress, nothing has changed. For many women and men who are waking up to the news this morning, it may seem this is a swift and sudden attack on women’s health care, but I am here on the floor of the Senate today to tell you all there is nothing sudden about it. There is nothing new about these Republican attacks on our family planning and teen pregnancy prevention. It included an amendment that would have completely defunded Planned Parenthood and cut off support for millions of women who count on it.

Another one of their opening round of bills, more than a year ago, would have permanently codified the Hyde amendment and the DC abortion ban, and the original version of their bill did not even include an exception for the health of the mother.

Finally, they introduced a bill right away that would have rolled back every single one of the gains we worked so hard to get for women in the health care reform bill. It removed the caps on out-of-pocket expenses that protect women from losing their homes and their life savings if they get sick. It ended the ban on lifetime limits on coverage. It allowed insurance companies to go after women by charging them higher premiums or even denying women access for so-called preexisting conditions—that, by the way, includes pregnancy.

It would have rolled back the guarantees that all insurance companies cover contraceptive activities, which will save the overwhelming majority of women who use them hundreds of dollars a year.

In addition to showing their true colors with their very first legislative efforts, Republicans have shown they will go to about any limit to restrict our access to care, even shutting down the Federal Government. It seems extreme? That is exactly what happened last fall when the Republicans nearly shut the Federal Government over a rider that was another attempt to go after title X and Planned Parenthood.

I remember, I was in those meetings, months and months of negotiations on the numbers in our budget. I was astonished that Republicans, late at night, were willing to throw all that work away to go after women’s health. I was the only woman in the room that night. I can remember being personally disgusted that insurance companies could get away with making women victims, under the cover of darkness, in the middle of the night, with moments to go before the government was shut down.

But I also remember the resounding “no” when they tried to pull that, first from me, then from my women colleagues joining me today, and then a loud and overwhelming chorus of men and women all across the country. That chorus of women was heard again last week yet another attack on women’s health care. This time the attack came cloaked in a sham investigation led by some of the same
congressional Republicans who yesterday had this all-male panel talking about women’s contraception. It was an investigation of the Susan G. Komen Breast Cancer charity sites to cut off funding for lifesaving breast cancer screenings for women. We know what happened the last time we followed that decision. I certainly remember going home and standing shoulder to shoulder with women and men in my home State in front of a clinic that provided those breast screening referrals and pleading to safeguard against any future attacks in the wake of that decision, but I didn’t think it would come the very next week. Apparently, Republicans are still not done. Even after the loud rebuke after the Komen decision, they have decided again to pick on women’s health.

Just last week, the junior Senator from Missouri introduced an amendment to a job-creating transportation infrastructure bill that is as extreme as any other recent, I have seen, amendment that would allow any employer—a barber, a banker, a multinational corporation—to be given an exemption to not cover contraception or any essential preventive for any religious or moral reason. It is an amendment that would give any employer an unprecedented license to dictate what women can and cannot have covered. It puts your employer smack in the middle between you and your health care, and the power to decide whether a woman will use contraception lies with her, not her boss, not her employer. What is more intrusive than trying to allow an employer to make medical decisions for someone else? How about a woman going home and standing shoulder to shoulder, saying that their continued push to do whatever it takes to push their extreme agenda.

Contraceptive coverage should not be a controversial issue. It is supported by the vast majority of Americans who understand how important it is for women and their families, but let me remind everyone Republicans have made it clear from the start: this is not about women’s reproductive rights, it is about having a person on there who cares about having a person on there who cares about women’s health that they didn’t even think about having a person on there who was a female, nor did they have anyone on there that agreed it is important that women have access to birth control knowing that for many women birth control is medicine, knowing that 99 percent of women, sometime in her lifetime, utilized birth control.

So this picture is worth a thousand words. I have a 16-year-old grandson. I look at that photo and say, my hand. I went up to him—he’s not particularly political—and I said: Zach, what do you notice about this? He said: “It’s all dudes.” This does not take a degree in political science to make one conclusion here. We will come back. But Senator BROWN, our Republican Senator from Missouri, has put forward an amendment that would allow any single employer—regardless of how large or small their operation—to deny women health care to their employees and preventive health care if they simply say it is a matter of conscience. It is right there. Senator BLUNT says: Oh, no. I heard Senator BROWN defending Senator BLUNT saying: No, no. Oh, yes. Just read it and look at the list of lifesaving and health-saving services that would be denied.

So women of America and the men who care about you, get ready because there is an assault on women, and stand with us. Thank you very much.

I would yield the floor.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that I may consume 3 minutes and my colleague from California may also consume 3 minutes before we move on to the next matter.

The Acting President pro tempore. The Acting President pro tempore. The Acting President pro tempore. The Senate from California.

Mrs. BOXER. Mr. President, I wish to associate myself with the remarks of my fellow colleagues this morning. They are eloquent. When I looked at this scene that Senator MURRAY and Senator SHAHEEN had up here and looked at this picture of this panel that is supposed to be speaking about women’s health—in particular, birth control—obviously I was stunned. It brought back a memory from 20 years ago when all of America looked at the Senate and saw there was not one woman on the Senate Judiciary Committee, and they realized that year, in 1991, that there were only two women members in the entire Senate. It sent shockwaves through the country. Whether one agreed with Anita Hill or Clarence Thomas, that was not the point. We had very strong feelings about that on both sides.

The point of this is that on an issue so critical to this Nation, the next Supreme Court Justice, there was not one woman on the Senate Judiciary Committee, and we had the Women and Women and we tripped the number of women in the Senate. It wasn’t much, 2 to 6, but it was a start, and now we are at 17, and we are going higher because yesterday this is what America saw, a Republican House of Representatives that is so hostile to women’s health that they didn’t even think about having a person on there who was a female, nor did they have anyone on there that agreed it is important that women have access to birth control knowing that for many women birth control is medicine, knowing that 99 percent of women, sometime in her lifetime, utilized birth control.

So this picture is worth a thousand words. I have a 16-year-old grandson. I look at that photo and say, my hand. I went up to him—he’s not particularly political—and I said: Zach, what do you notice about this? He said: “It’s all dudes.” This does not take a degree in political science to make one conclusion here. We will come back. But Senator BROWN, our Republican Senator from Missouri, has put forward an amendment that would allow any single employer—regardless of how large or small their operation—to deny women health care to their employees and preventive health care if they simply say it is a matter of conscience. It is right there. Senator BLUNT says: Oh, no. I heard Senator BROWN defending Senator BLUNT saying: No, no. Oh, yes. Just read it and look at the list of lifesaving and health-saving services that would be denied.

So women of America and the men who care about you, get ready because there is an assault on women, and stand with us. Thank you very much.

I would yield the floor.

The Acting President pro tempore. The Senate from New York.

Mr. SCHUMER. Mr. President, I wish to thank my colleagues from California, New York, New Hampshire, and Washington State for the great job they have done. Before I speak about our judicial nominee, I wish to say I join them in their remarks and their feelings. This is about women’s health. Women and men all over America are scratching their heads and saying: Are we fighting against contraception? Are we turning the clock back 60 or 70 years? It makes no sense.

If a woman wants contraception for either birth control or other health purposes—and most women use it for other health purposes—it is up to that woman, not her employer. That is the
bottom line. The vast majority of Americans, men and women, agree with that statement. That is true of every major religion from the polling data I have seen.

Frankly, I don’t understand this Republican Party. First, they made war on the American people who are making a war on the majority of America, women. While not every woman feels the way we do, the vast majority do. And that fact is not going to get it.

Then to take an amendment such as that from my friend from Missouri and expand it even further and say, if someone owns a McDonald’s, they can decide to not provide contraceptive services—the real reason might be because they don’t want to pay extra or other reasons that are not religiously based—I don’t get it.

I hope we do have a vote on the Blunt amendment because I think the American people will not be for that amendment on an overwhelming basis. The more they learn about it, the more that happens, and that is why the tide is moving in that direction.

I wish to thank my colleagues for allowing me to say a few words on that issue.

FURMAN NOMINATION

Mr. SCHUMER, Mr. President, I rise in support of Jesse Furman, who is a nominee for the District Court in the Southern District.

I have had the good fortune to present to the President more than 13 nominees for the Federal bench, every one of them is incredibly accomplished. Each represents the best of the bar. The State of New York has to offer. I believe in excellence, moderation, and diversity, which are the three standards I use. But on the standard of excellence, it is no exception to my standard of excellence. In fact, he doesn’t just meet it, he shatters it. He is one of the most brilliant lawyers in the country. He is amazing. The fact that he wants to serve our Federal Government on the bench is a tribute to us all. It is a tribute to our country and to him.

How about moderation? This is the issue I wish to speak most to my colleagues about. Who was his protege in many ways? Judge Mukasey. He worked for Judge Mukasey as a clerk and then as attorney general. A lot of people on this side of the aisle, including myself, have real differences with Judge Mukasey, but if we cannot support Jesse Furman for the nomination, then we cannot support anybody because this nomination could have come from a Democrat, it could have come from a Republican, it could have come from a conservative, it could have come from a liberal. He is truly a mainstream thinker, and so this vote will be indicative. Because if Jesse Furman cannot achieve clouture, then our system is so paralyzed we better go back to the drawing board because it will mean no district court judge can be approved, none.

So I would ask Senators on both sides of the aisle to support him. I know we have a number of our Republican colleagues who have said they might support him, and I hope they will. We had a good vote in the Judiciary Committee on Jesse Furman. Again, he is truly excellent, endorsed by his former clerks on the Supreme Court, including those who clerked for Justices Rehnquist, Thomas, O’Connor, Kennedy, and Scalia.

John Podhoretz, a conservative columnist, wrote that Furman should be confirmed because he is ‘‘terrifically knowledgeable, entirely respectful of views that differ from his, and utterly without an axe to grind.’’ That is why he passed without discussion out of the Judiciary Committee without dissent.

Please, colleagues, a vote for Furman will show that we can come together certainly on a judge of such moderation. A vote against him will say the system is irreparably broken.

I thank the Chair. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1813, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Pending:

Reid amendment No. 1633, of a perfecting nature.

Reid amendment No. 1634 (to amendment No. 1633), to change the enactment date.

Reid motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid amendment No. 1635, to change the enactment date.

Reid amendment No. 1636 (to the instructions) amendment No. 1635), of a perfecting nature.

Reid amendment No. 1637 (to amendment No. 1636), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to urge my colleagues to vote no on cloture on Senator Reid’s amendment No. 1633 to the highway bill. The bill we are getting ready to vote on puts the other titles into the highway bill from the Commerce Committee, Finance Committee, and Banking Committee.

I am going to object on the grounds that the Commerce Committee title is not the title that should be included in this bill. What happened is that there was a partisan amendment that was added to a markup very late that the minority had not had a chance to work out before it went to the markup. We thought it wasn’t going on the markup, but it did go on the markup before we were able to have the input and work it in a better way, which has been our usual position in the Commerce Committee.

The bill would create an unfunded, unlimited discretionary grant program that has divided the transportation community. It will give new Assistant Secretary for Freight Planning and Development and a whole new office in the Department of Transportation. This is a part of the bill that certainly none of the Republicans can support, and it caused a party-line vote in the Commerce Committee.

Additionally, the bill that will be before us contains provisions that would create two new programs within the Research and Innovative Technology Administration that would cost taxpayers $615 million annually to administer, and the CBO estimates the underlying bill would cost $615 million for 10 years including these two new programs. That would be about double what the levels are for this program in ten-year terms. So $615 million over the next 10 years would have been at $318 million if we had kept it at static levels, which we are doing in most other parts of the highway bill. Instead, the bill we are voting on today would more than double that to $615 million over the next 10 years for RITA.

We don’t have to have this kind of partisan effort on the bill. Our Commerce Committee has been very good at bipartisan work. I see the Senator from California on the floor who has worked in a bipartisan way with the Senator from Oklahoma on the underlying bill. But the Commerce bill that came out was not bipartisan.

We have worked hard with Senator Rockefeller and Senator Grassley and Senator Blunt. We informed all of our Members on both sides to get a consensus, and we got one. We got a consensus that would have taken the freight section of the bill that sets policies for new freight studies—we did that. That part would be in the compromise bill. It keeps the funding in line with current levels in the Research and Innovative Transportation Administration. But those compromise provisions that Senator Rockefeller and all of our colleagues worked on are not in the bill we are voting on today.

We worked together relating to the importation of motor vehicles and equipment in the National Highway Traffic Safety Administration reauthorization bill. It would stop unsafe equipment from entering our ports. We worked hard to put forward language that provides inspectors the right tools while at the same time minimizing unnecessary costs and burdens. The equipment manufacturers and the modifications are in the bill that we agreed to with the majority in the Commerce Committee, but they are not in the bill