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Senate

(Legislative day of Tuesday, April 5, 2011)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Dr. Jeffrey W. Carter, senior pastor of Manassas Church of the Brethren in Manassas, VA.

PRAYER

The guest Chaplain offered the following prayer:

Please pray with me.

Gracious God, from whom all blessings do flow, we give thanks for the opportunity of this new day and the power and possibility within it to do what is noble, trustworthy, and true. We pause to center ourselves upon the importance of this present moment, upon our calling.

May Your spirit of wisdom and discernment descend upon this body as they seek to govern with justice and care. Grant them wisdom and courage as they meet the challenges of our time, knowing they are Your stewards of a democracy and servants of a people. May their decisions answer Your eternal call to guard the dignity of each person, to ensure freedom for all people, and to strive tirelessly for the common good, for it is in our living beyond ourselves that we find the greatest meaning and deepest expression of our faith.

Truly, on this day, may Your grace be upon this Senate, our Senators, their staffs, those who work tirelessly in support of this Chamber, as well as their families. And may Your grace be upon our Nation—diverse, gifted, and united in our affirmation of life and liberty, happiness and peace.

For this we pray. 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 7, 2011.

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.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

THE GUEST CHAPLAIN

Mr. WEBB. Mr. President, I rise today to speak about today's guest Chaplain, the Reverend Dr. Jeffrey Carter of Manassas Church of the Brethren, located in Manassas, VA. I am pleased to welcome Dr. Carter, his wife Kim, and their three young daughters—Anna, Grace, and Julie—to the U.S. Senate today.

Dr. Carter is a 1992 graduate of Bridgewater College, located in Bridgewater, VA. He received his Master of Divinity from Bethany Theological Seminary in 1998, and his Doctor of Ministry from Princeton Theological Seminary in 2006. In 2003, at the age of 33, he was appointed senior pastor of Manassas Church of the Brethren.

Since 2005, he has also served as lead chaplain for the Prince William County, VA, Fire and Rescue Squad. In addition to his duties with his home church, Dr. Carter also serves as the Church of the Brethren's representative to the World Council of Churches, and is a member of the board of directors for the Brethren Housing Corporation.

Manassas Church of the Brethren was established in 1895, and has served the greater Manassas community for the past 116 years. They offer a wide variety of fellowship opportunities and outreach ministries to their large congregation and residents of the Manassas community.

Through the dozens of missions and ministries at Manassas Church of the Brethren, Dr. Carter has made a profound impact on the lives of many members of my constituency. I am certain that he will continue to guide his congregation for many years to come, and I look forward to seeing the direction of Manassas Church of the Brethren under his leadership.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in morning business, with the first hour equally divided, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes. Senator HOEVEN will be recognized at noon for up to 25 minutes to deliver his maiden speech to the Senate.

We continue to work to complete action on the small business bill. We are

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



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hopeful we will be able to vote on a budget by the end of this week. Senators will be notified when votes are scheduled.

Mr. President, for Members of my caucus, the 12:30 luncheon we have every Thursday has been postponed until 3 o'clock today.

BUDGET NEGOTIATIONS

Mr. REID. Mr. President, approximately 1 hour ago, I was at the White House with Speaker BOEHNER. We had made a joint statement to the press during the nighttime there at the White House, and at that time I was cautiously optimistic that we could complete the work on the people's business to fund the government until the end of this fiscal year—October 1. Now we are 38 hours away from this deadline of the government shutting down, so it is clear from the math that in less than 2 days a decision must be made as to whether the government closes or stays open, whether we put the American people first and reach an agreement, or have, as I will explain in a few minutes, issues having nothing to do with government funding cause the government to shut down.

We met last night, the Speaker and I, with the President for quite a long time, 1½ or 2 hours. The meeting was initially one where the President, the Vice President, Speaker BOEHNER, and myself were present to try to work through these issues. We then went into a meeting with our staffs to try to work through these issues. The numbers are basically there. That is where we are. My staff, the President's staff, and the Speaker's staff worked through the night to try to come up with an appropriate way to end this impasse.

I repeat, the numbers are basically there, but I am not nearly as optimistic—and that is an understatement—as I was 11 hours ago. The numbers are extremely close. Our differences are no longer over how much savings we get on government spending. The only thing—the only thing—holding up an agreement is ideology. I am sorry to say that my friend, the Speaker, and the Republican leadership have drawn a line in the sand not dealing with the deficit—which we know we have to deal with and where we have made significant cuts—not with the numbers that would fund the government to the end of this fiscal year. That is not the issue. The issue is ideology, not numbers.

There are a number of issues, but the two main issues holding this matter up are reproductive rights for women and clean air. These matters have no place on the budget bill. This is a bill to keep the government running with dollars, and they want to roll back the Clean Air Act. The bottom line is this: If we are going to sit down at the negotiating table, as we have, and fund the government, it should be based on government funding.

I know there are some rambunctious new Members of the House of Rep-

resentatives over there, and there are probably some who have been there a long time who are more senior and who believe, as Republicans, this is their time to shine. But they should do that on a legislative matter, not on a spending bill. They can send the stuff, and we will get to it when we can, to show we can get to things. We have done it on this clean air bill and the very difficult issues dealing with 1099—a government issue relating to the health care bill. It was tough, but we did it. We had a bunch of votes yesterday on EPA funding. We can legislate, and we can do that on issues that are difficult. We showed that this week in the Senate. But no one can realistically think we can walk out of a room and suddenly agree on or focus on an issue that has been around for four decades—this issue relating to women's choice. This is a legislative matter. We can't solve in one night a disagreement this country has been having for four decades. There are very definite sides that have been taken.

I served in the House of Representatives with Henry Hyde, where this all got started. Henry Hyde was the man who started, more than anyone else, the public debate on women's choice. He was dug in as to what he felt was right; others disagreed with him. But the Hyde amendment prevailed, and we have been basically working off that for four decades. For 40 years, we have been focused on that issue. We can't solve in one night a disagreement this country has been having for four decades. It is not realistic to shut down the government on a debate dealing with abortion. It is not realistic, and it is not fair to the American people. We haven't solved the issue in 40 years, and we are not going to solve it in the next 38 hours.

Now is the time to be realistic. We should not be distracted by ideology. We have been distracted by ideology. This is a bill that funds the government. It isn't a bill that should deal with changing the Environmental Protection Agency's rules and regulations. That should be done legislatively. We can't now, on a bill that focuses on the spending of this country, suddenly decide there is going to be a big breakthrough on one side or the other on abortion. It can't happen. It won't happen.

Speaking of distractions, the House is now going to pass a short-term stopgap. It is a nonstarter over here. Doing that is a sure way to close the government. There are no more short-term extensions unless it is a clean continuing resolution to allow us a few more days to work on matters relating to funding the government. The President has told the Speaker that, I have told the Speaker that, and Republicans in the Senate have told the Speaker that we can't pass another short-term CR. It is not only bad policy, it is a fantasy. As I said last night, this is a nonstarter in the Senate. The President told the Speaker that last night.

He called and talked to him 20 minutes ago, 30 minutes ago, and told him the same thing. I talked to the President at a quarter to 10, and he told me the same thing.

We have moved so far, and we have given everything we can give. The President is absolutely right, we can't keep funding this government one paycheck to the next, one stopgap measure after another. The United States of America, this great country of ours, shouldn't have to live paycheck to paycheck.

I repeat, this debate that is going on today deals with money; it doesn't deal with ideological issues where both sides have drawn a line in the sand. If the House of Representatives wants to send us matters regarding Wall Street reform, we can debate them here. If they want to send us measures dealing with health care, we can debate them here. If they want to send us measures dealing with EPA, we can debate them here, just as we did yesterday. If they want to send us something here on title X, which is reproductive health for women, we can debate that issue. But it should not be on a stopgap funding measure. So if this government shuts down—and it looks as if it is headed in that direction—it is going to be based on my friends in the House of Representatives, the leadership over there, focusing on ideological matters that have nothing to do with the funding of this government. I think that is a sad day.

As a predecessor of my friend the Republican leader said many years ago—the great Henry Clay—"All legislation is founded upon the principle of mutual concession." He was known as the "great compromiser," Henry Clay was. He served in this body and served three separate times as Speaker of the House of Representatives. That is what he said. Isn't this the time to do that? Remember the two words that are so important in what Henry Clay said: mutual concession. We have done far more than anyone ever thought we would do, and we have done it because we believe this government should not shut down.

RECOGNITION OF THE MINORITY LEADER

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

CONTINUING RESOLUTION

Mr. MCCONNELL. Mr. President, my good friend mentioned Henry Clay. He would approve very much of the bill the House will be sending over later today. And the abortion provision my good friend refers to is one Democratic leaders have previously supported. It is a measure that has previously appeared in appropriations bills and a measure that has been previously signed by the President. So obviously that is not what this matter is about.

As the majority leader indicated, the talks are continuing. But two positions