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## Senate

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

### PRAYER

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

Let us pray.

Lord, You are God. Heaven and Earth are filled with Your glory. Use our law-makers to hasten the day when acts of justice and compassion will mark our society and people will celebrate the common bonds they share. May this bond of justice, compassion, and unity first be seen in this Chamber, providing a model for our citizens to emulate. Where there is pain, Lord, send Your healing. Where there is despair, send Your hope. Where there is darkness, send Your light. Where there is conflict, send Your peace.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL 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 6, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. BLUMENTHAL 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 be in a period of morning business until 3 p.m. today. Following morning business, the Senate will begin consideration of the conference report on the FAA Reauthorization Act. At 5:30 p.m., there will be a rollcall vote on adoption of that conference report.

### MEASURE PLACED ON THE CALENDAR—S. 2064

Mr. REID. Mr. President, S. 2064 is at the desk and due for a second reading.

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

The legislative clerk read as follows:

A bill (S. 2064) to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate.

Mr. REID. Mr. President, I object to further proceedings on this bill at this time.

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

### AVIATION AND PAYROLL TAX CONFERENCES

Mr. REID. Mr. President, today, I am pleased the Senate will pass the aviation jobs conference report. This measure is the first long-term reauthorization of the Federal Aviation Adminis-

tration in almost 5 years. The FAA has worked under 23 short-term extensions since 2007. In fact, the FAA was shut down last year. That is right, workers were furloughed and construction at airports terminated.

The 4-year compromise we will pass this evening doesn't give everyone everything they want, but that is the way legislation is. It will, however, finally give the FAA the ability it needs to properly maintain a world-class air travel system.

The aviation jobs bill will also create thousands of jobs—about 300,000—and it will protect airline workers and improve safety for travelers. This legislation will create badly needed jobs and it will give the FAA the ability to finally upgrade the country's air traffic control system.

Today, America relies on World War II era technology to track aircraft and to guide them to safe landings. An upgrade to modern satellite technology is long overdue. The aviation jobs bill will finally make that critical investment possible. It will invest more than \$24 billion in airports and runways across the Nation and on modern air traffic control equipment.

I am very happy that Democrats and Republicans were finally able to reach this compromise. I wish the spirit of compromise would also extend to ongoing conference committee negotiations on a year-long payroll tax cut. I was dismayed to read this morning that rank-and-file Republicans in both Chambers are on the fence over whether we should extend this break for working families. More than 160 million Americans will benefit, with an average family savings this year of \$1,000. That is taxes they won't have to pay.

Republicans are questioning whether Americans need that extra cash, and they are once again playing politics and putting our economy at risk at a crucial time when we need to work out a compromise. Democrats have offered

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



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to meet them halfway—even more than halfway—but Republicans will not take yes for an answer. In exchange for extending this middle-class tax break, Republicans are insisting, among other things, that we pass an unrelated ideological piece of legislation that will make our water less safe to drink. This would allow mercury and other carcinogens to be put in our water supply.

That is a pretty stark compromise: We will give you a payroll tax cut for 160 million Americans if you will let us continue to put things such as arsenic and mercury in the water of the American people. That is not a very good deal.

Not only that but they are refusing to close tax loopholes, such as giveaways to oil companies making record profits. Instead, they insist on more handouts to millionaires and billionaires before they will do anything that will benefit the middle class.

The American people have spoken and spoken clearly. Working families need this money. They need this thousand dollars to put food on the table and gas in the car. And they won't tolerate Republicans holding their money hostage to extort a political payoff.

They did this last December. In fact, I thought Republicans got the message in December when they took a beating for opposing this tax cut. I hope they won't pick this losing fight a second time. But time is running. If they do choose to fight, as we try to put more money back in the pockets of 160 million working Americans, the outcome will eventually be the same. Democrats will not give in when it comes to protecting the middle class. That is why we will prepare a fallback plan in case Republicans refuse to cooperate. Our legislation will prevent a tax hike on middle-class families, extend unemployment benefits, protect seniors on Medicare from losing their doctors, and extend expiring tax provisions. And it will be free of unrelated ideological legislation designed to please the radical right.

Stopping a \$1,000 tax increase on virtually every American family is too important to be bogged down with sweeteners for the tea party. Senate Democrats will be prepared to act with or without Republican cooperation. Republicans must make a choice. They can force a thousand dollar tax increase on American families to strengthen the tea party or they can compromise to strengthen the middle class. The choice is theirs.

Mr. President, would the Chair announce the business of the day.

#### 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 3 p.m., with Senators permitted to speak for up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RELIGIOUS FREEDOM

Mr. JOHANNIS. Mr. President, I come to the floor today to talk about an issue of paramount importance to our country—the issue of religious freedom. Our great Nation was founded on religious freedom. This liberty is at the very core of our government. It has been a significant part of our heritage since this land was first settled, and it is a freedom that sets us apart from many countries around the globe.

The Framers of our Constitution rightfully recognized an individual's religious liberty and conscience is above any regulation, any legislation. One of the chief authors of that guiding document, James Madison, declared:

Conscience is the most sacred of all property.

Thomas Jefferson said:

No provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority.

These fundamental values are a part of the fabric of this great Nation. It is no coincidence it is the first freedom in the Bill of Rights. It is a core value. It is an inalienable right. So that means, as public servants, it is our utmost duty to protect this American freedom.

When I was sworn in as a Senator, I—as my colleagues did—took an oath to uphold the Constitution. We all believe strongly in that oath. I take seriously my commitment to uphold the values and the freedoms our forefathers fought to establish and that generations of heroes have died defending.

That is why today I am devastated to see this very freedom, the heart of our Constitution, being so completely ignored. The President has taken an unprecedented step in the wrong direction, grossly misusing authority to implement the new health care law. This administration has refused to exempt religious institutions that serve the public good from mandates of the law that go against their strong beliefs and their values, and the values of our Nation.

Last August, in an interim final rule, the Department of Health and Human Services announced what free preventive services all new health insurance plans would be required to provide under the law, and that those services must include contraceptives and con-

troversial drugs, such as the so-called morning-after pill.

With that mandate, the agency included a supposed religious exemption but, upon reading that, it was clear that was simply unacceptable. It is so narrow that the vast majority of religious hospitals and universities, businesses, social services, and charities are still, very clearly, required by law to comply with the mandate.

Many of these organizations have strong faith-based missions and deeply held convictions. Yet they don't fall under the exemption. In other words, their government is compelling Americans to act against their constitutionally protected moral and religious convictions.

Since that announcement, hundreds of religious organizations have raised their voices, and I have heard from countless Nebraskans. I held a roundtable back in Nebraska where this was the topic of discussion.

Twenty-six of my colleagues joined Senator HATCH and me in sending a letter to the administration condemning this sweeping mandate. We asked them to redraft the regulation so it is consistent with longstanding constitutional principles.

Despite these strong efforts, just recently we learned that our passionate concerns had been dismissed. Very disappointingly, the administration has announced that they will move forward with the August interim rule. Under the guise of compromise, they announced that religious organizations would have an additional year before the mandate was enforced; in other words, after election day.

The head of the Diocese of Lincoln, a man I have great admiration for, Bishop Fabian Bruskewitz, called the administration's extension an "act of mockery."

Americans are not fooled by this nonsensical extension. The issue is not that religious groups have time to comply. That is not the issue. It is that they are being forced to provide coverage that goes against their conscience, their religious beliefs, their moral beliefs.

Bishop Bruskewitz went on to warn "our American religious liberty is in grave jeopardy."

The bottom line is that by issuing this decision, this administration has ignored the most sacred of all American freedoms.

Just a week before this announcement, the Supreme Court unanimously affirmed the core constitutional principle of religious liberty in its *Hosanna-Tabor* decision. The court held that churches and other religious groups must be free to choose their leaders without government interference. Yet the administration has clearly come out on the other side of our Constitution.

During the health care debate, we heard something vastly different. The President repeatedly promised the opposite. He pledged that the new health