

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

care law would not weaken long-held life and conscience protections. In his public statements about the health overhaul, he vowed "Federal conscience laws would remain in place." He even issued an Executive order where he stated that "longstanding Federal laws to protect conscience will remain intact."

Many of us—myself included—during the health care debate warned that the Executive order was just window dressing to get votes and would do nothing to protect life in matters of conscience.

While supporters of the bill echoed the President's promise, I spoke on the Senate floor—once in November and again in March—warning Americans that they should not be fooled by hollow promises, and I urged my pro-life colleagues to join me in opposing this dangerous policy.

Two years after the law's passage, the truth behind the administration's priorities has been revealed. The President has, regrettably, punted the implementation of this controversial mandate until after the election. So now many religious organizations are forced to face two options: act against their convictions or drop health care coverage altogether. This decision comes from an administration that granted over 1,700 health plans with waivers from the law's major provisions, many of those to unions. A total of 4 million people, including select businesses and unions, have benefited from the waiver process. The administration has gone out of its way to guide its friends around the onerous mandates of this flawed policy. Yet this same administration is unwilling to protect a fundamental constitutional freedom by simply crafting a reasonable exemption for religious organizations.

Would Presidents Thomas Jefferson or James Madison have forced vast swaths of society to take action against their conscience? The answer is a resounding and obvious no. This political posturing is obvious, and it is appalling. This political maneuvering comes at a heavy cost for many Americans; it is a breach of values and beliefs. It runs counter to the very core of our identity as Americans.

Never before has the Federal Government required that individuals provide a product that violates their conscience.

Many Americans are questioning what will come next. They recognize that other strongly held beliefs could also be compromised.

I am not alone in being deeply troubled by this administration's complete disregard of the liberties in our Constitution. It is these liberties that make our country great.

I am a cosponsor of the Respect for Rights of Conscience Act introduced by my colleague Senator BLUNT. This legislation would reverse the administration's massive overstep and ensure that all conscience rights are protected. I will do everything in my power to push

this to a vote. We must act to right this wrong. We must ensure that America's values are not compromised. We must protect religious liberty. We all took an oath to do so. I am confident that, with prayer and persistence, we can reverse this course.

I yield the floor and 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. BOOZMAN. 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.

#### BOILER MACT

Mr. BOOZMAN. Mr. President, I come to the Senate floor to discuss an important action this Congress can take to protect manufacturing jobs and strengthen our economy.

Specifically, I encourage Senate conferees on the payroll tax bill to include projobs bipartisan language—such as H.R. 2250 or S. 1392—that would address the EPA's proposed rule on maximum achievable control technology standards for boilers, also known as boiler MACT.

Fixing boiler MACT is important because if the EPA gets it wrong, it will cost tens of thousands of good-paying blue-collar manufacturing jobs. These regulations will be one more unnecessary weight dragging down our economy and making life harder for low- and middle-income families.

Fixing boiler MACT is important also because Congress should provide clarity and certainty to the rulemaking process. The process has been plagued by complications, administrative stays, court orders, and numerous other stops and starts.

For example, employers spent hundreds of millions working to comply with the 2004 boiler MACT rules only to be told they must now spend billions more. The boiler MACT legislation should be included in the payroll tax relief legislation which is intended to provide some help to our sluggish economy by allowing Americans to keep a little more of the money they earn. By addressing boiler MACT on this bill, we can further protect jobs—especially manufacturing jobs—and prevent our country from having to absorb one more sudden regulatory punch in the gut.

Fixing boiler MACT is important because our economy is weak and families are struggling. Last week, the non-partisan Congressional Budget Office predicted a weak and perilous economic situation for the next couple years. We see continued high unemployment, including estimates that the unemployment rate will tick up to 8.9 percent this year and 9.2 percent next year. We see projections of \$1.2 trillion deficits. On top of all this, we have

learned that the GDP growth slowed to just 1.7 percent last year.

I hope these troubling projections are wrong, but given what we know, we should be focused on encouraging job growth and opportunity. American families are counting on us. We should not stifle businesses that want to expand and create jobs. One way to help is to provide some regulatory certainty and to allow employers the time they need to adjust to new, burdensome regulations.

The boiler MACT fix would provide the EPA an additional 15 months to prepare appropriate, justified, and achievable regulations for industrial boilers. Without this time, EPA will be forced to rush the rules out the door only a few weeks after they will receive hundreds of substantive comments and new data on boiler performance.

The boiler MACT fix would also give employers a little extra time to comply with the rules once they are finalized. This is vital because it will minimize job losses that would occur if employers had to rush to implement the new rules. The rules are very expensive and spreading the cost out over a couple extra years will make it less likely that employers will have to lay off employees.

In Arkansas alone, boiler MACT will cost over \$230 million and put 3,600 jobs at risk. These are real jobs and real people. I shake their hands and I hear their serious concerns when I visit communities such as Pine Bluff, AR, or Howard County, AR. In our State, the proposed boiler MACT rules will especially harm the employers with units that burn solid fuels such as biomass. The boiler MACT would help by stating that materials such as renewable biomass that have been used for fuel for decades should remain classified as fuel and not reclassified as solid waste.

We should be encouraging the use of renewable biomass, not discouraging it. Sending biomass to a landfill makes absolutely no sense when we can use it to power our industries and create jobs. The potential harm to renewable, carbon-neutral biomass is very bad for Arkansas. But it is not just our rural States with significant biomass that will be harmed; boiler MACT will hit all States, large and small, rural and urban.

For example, in Pennsylvania it will cost over \$751 million and put over 12,000 jobs at risk. In Montana it will cost \$32 million and put over 500 jobs at risk. In Maryland it will cost over \$195 million and put over 3,100 jobs at risk. In Rhode Island it will cost over \$19 million and put hundreds of jobs at risk. In Wyoming it will cost over \$155 million and put over 2,400 jobs at risk.

Some of the hardest hit States include North Carolina, Ohio, Michigan, Indiana, Pennsylvania, Louisiana, Wisconsin, Virginia, Illinois, and Minnesota. Several States will see more than 12,000 jobs put at risk. In Arkansas, the expense and uncertainty created by these rules will force some employers to scale back. Other employers