

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. JOHNSON and Mr. SHELBY, proposes an amendment numbered 1515.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Missouri.

AMENDMENT NO. 1520

Mr. BLUNT. Mr. President, I ask unanimous consent that it be in order at this time to offer amendment No. 1520 to the underlying bill, S. 1813.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, I, of course, reserve the right to object and do object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Republican leader is recognized.

RELIGIOUS LIBERTY

Mr. MCCONNELL. Mr. President, our country is unique in the world because it was established on the basis of an idea, an idea that we were all endowed by our Creator with certain unalienable rights—in other words, rights that were conferred not by a king or a President or a Congress, but by the Creator himself. The State protects these rights but it does not grant them. What the State does not grant the State cannot take away. That is what this week's debate on a particularly odious outcome from the President's health care law has been about.

Our Founders believed so strongly that the government should neither establish a religion nor prevent its free exercise that they listed it as the very first item in the Bill of Rights, and Republicans are trying today to reaffirm that basic right. But apparently our friends on the other side do not want to have this amendment or debate. They will not allow those of us who were sworn to uphold the U.S. Constitution to even offer an amendment that says we believe in our first amendment right to religious freedom.

Frankly, this is a day I was not inclined to think I would ever see. I have spent a lot of time in my life defending the first amendment but I never thought I would see the day when the elected representatives of the people of this country would be blocked by a majority party in Congress to even ex-

press their support for it, regardless of the ultimate outcome.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

MAP-21

Mr. REID. Mr. President, I appreciate the comments of my distinguished Republican colleague. The Senate just voted 85 to 11 to invoke cloture on a motion to proceed to the surface transportation bill, a bipartisan bill the sponsors of which, Senator BOXER and Senator INHOFE—an unlikely pair—have joined together to move forward on, a piece of legislation that is extremely important to this country, a bill that will save or create 2 million jobs.

There are four parts of this bill within the jurisdiction of four Senate committees. The Environment and Public Works Committee is what we are on now. I have sought to amend that with a provision that is coming from the Banking Committee. We have one coming from the Finance Committee—that has been approved on a bipartisan basis, and we will move after we do those two to the Commerce section. We have not dealt with the Finance Committee provision or the Commerce Committee.

I appreciate that the Republicans never lose an opportunity to mess up a good piece of legislation. We have had that happen now for the last 3 years. We saw it in spades last year. Here is a bipartisan bill to create and save jobs. No one disputes the importance of this legislation. Every State in the Union is desperate for these dollars. We are not borrowing money to do it; it is all paid for. Whether it is the State of West Virginia, the State of Missouri, or the State of Nevada, all the departments of transportation are waiting to find out what is going to happen at the end of March. That is fast approaching. We need to get this done.

Then I hope we can deal with other matters and not get bogged down on this legislation. Let's do the Banking part of this bill. Let's do the Finance part of this bill. Let's do the Commerce part of this bill.

But to show how the Republicans never lose an opportunity to mess up a good piece of legislation, listen to this: They are talking about first amendment rights, the Constitution. I appreciate that. But that is so senseless. This debate that is going on dealing with this issue, dealing with contraception, is a rule that has not been made final yet. There is no final rule. Let's wait until there is at least a rule we can talk about. There is not a final rule. That is all you read about in the newspapers, why there are discussions going on as we speak. There is not a rule. Everybody should calm down. Let's see what transpires.

Until there is a final rule on this, let's deal with the issue before us. That is saving jobs for our country. People

can come and talk about the Constitution, the first amendment—I have never seen anything like this before, but I have never seen anything like this before, either. There is no final rule. Why don't we calm down and see what the final rule is.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I am, of course disappointed not being able to offer this amendment today, but it is an amendment we talked about for some time. It was a bipartisan amendment. It was a bipartisan piece of legislation. Senator NELSON from Nebraska and I wish to offer it and wish to offer it as soon as possible.

I have the highest regard for both of our leaders, both the majority leader and minority leader, and understand they have a job to do, but this highway bill is clearly going to take some time. This is a 4-page amendment that I would be glad to see voted on on Monday. It has been widely studied all week, this week. I would have been glad to see it voted on when I filed the bill in August. There was not a rule then either, but both Mr. NELSON and I, Senator RUBIO, Senator AYOTTE, and others were anticipating that we were going to begin to see exactly the kinds of things this discussion this week has brought about.

This is about the first amendment. It is about religious beliefs. It is not about any one issue. In fact, this amendment specifically does not mention a specific issue. It refers to the issue of conscience. In the amendment itself the reference is made to the letter that in 1809 Thomas Jefferson sent to the New London Methodist, where he says: of all the principles in the Constitution, the one that we perhaps hold most dear, if I could paraphrase it a little bit, is the right of conscience and that no government should be able to come in and impose itself between the people and their faith-based principles.

In health care we have never had this before. Why didn't we need this amendment or why didn't we need the bill that was filed in August 5 years ago or 1 year ago or 2 years ago or 3 years ago? Because only with the passage of the Affordable Health Care Act did we have the government in a position, for the first time ever, to begin to give specific mandates to health care providers.

This bill would simply say those health care providers do not have to follow that mandate if it violates their faith principles, faith principles that are part of a health care delivery system. That could be through any number of different faith groups, and I have talked to a lot of them. Frankly, some of those faith group views of health care do not agree with my views or my faith's views of health care. But that is not the point here. This is not about whether I agree with what that faith group wants to do. It is whether they are allowed to do it; whether the representative of that view of health care

and how it affects people is able to say to their government: No, this is something that is protected by the Constitution. It is protected by the first amendment. You cannot require me to provide a service—through a faith-based institution—that I do not agree with or you cannot require me as a health care provider to provide a service that I do not agree with because of my faith.

It doesn't mean you cannot get it somewhere else if it is something that can legally be done. It just means people of faith or institutions of faith do not have to do it. That is why in almost every Catholic church in America, the last two weekends, a letter has been read from the bishop or the archbishop that said this is unacceptable, it should not be complied with.

That is why the Chaplain to the Army, the Chief Archbishop to the Army, Bishop Broglio, sent out a letter to be read at Catholic mass at Army posts all over the country. Initially that letter was not going to be read because it did not agree with the tenets the government was pursuing at the time—which is the violation that people would see most offensive, I think, that the government would actually begin to say to people of faith you cannot even talk about it. You cannot even have that letter read on a military post, from the person who is responsible to the chaplains and the Catholic chaplains in the military.

Maybe it is a faith view of how to deliver health care that somebody in the Christian Science community has or somebody in the Seventh Day Adventist community has or the Southern Baptist community or whatever that might be. The specific thing is not the issue here. The issue here is can government require a faith-based institution to go beyond the tenets of its faith.

I know the Democratic leader, the majority leader, said there is not even a rule yet. The White House said—the administration said there would be a rule. And to make it even more offensive, they said: And, by the way, here is what the rule is going to be and we are going to give you a year to figure out how to adjust your views to accommodate the rule.

I would have been less offended if they said here is the rule and we understand it is in violation of your views but here is what is going to be the rule and you will have to comply with it. The idea they could change your views, your religious views, your religious beliefs, in a year or a lifetime because some Federal regulator says you need to is unbelievably offensive in our country based on the principles that we hold most dear in the Constitution itself.

So this amendment, which is bipartisan in nature and I think easily understood because it is so fundamental to who we are, is an amendment that could be quickly debated, it could be quickly voted on. The Senate of the

United States could express its view. I believe that view would be one supportive of institutions of faith.

By the way, also, the administration saying we gave an exemption for the church itself—No. 1, I do not know how long that exemption would last. And, No. 2, I think that shows a lack of understanding of the work of the church or the work of the synagogue or the work of the mosque or the work of people of coming together. If the only thing that matters in their work is what happens within the four walls of the church or whoever works in the four walls of the church every day, these institutions are not what I believe they are.

The great schools, the great hospitals, the great community-providing institutions of America have, so many of them for so long, been based on faith principles. This amendment would say for health care, those faith principles would still be the overriding principle. For health care, if someone does not agree with the direction of the government, they do not have to perform that service. They do not have to provide that specific kind of insurance to their employees.

Remember, the underlying bill here, the underlying rule that has been announced, even though it may not have been officially issued, is one that talks about people who have chosen to go to work for, to get a paycheck for, to work at the direction of a faith-based community. Then to tell that community what your insurance has to look like—that is just one of the many steps. If the government can do that, what can't the government do? If the government can do that, where does the government stop? If the government can do that—when you say this is something I don't believe in so I don't want to be part of this particular health care issue, this health care moment, this health care episode—whatever you want to call it, you say, oh, well, you have to do it because the government says you have to do it and the first amendment does not matter, the protection of conscience doesn't matter, the Jefferson letter to New London Methodist doesn't matter.

Until the enactment of the Patient Protection and Affordable Care Act, this was never an issue and nothing would happen if this amendment was approved and became the law of the land. Nothing would be different tomorrow than it was a year ago, because a year ago people were not doing this. Five years ago nobody would have even thought it was possible, that the Federal Government would tell a faith-based hospital what their insurance plan exactly had to look like, the plan that they offered their employees or would tell faith-based health care providers what they could do and what they could not do or would say if you are not going to do everything the government will pay for, we will not pay you to do anything the government pays for.

This is an issue many people in the country feel strongly about, many people in the Senate, both Democrats and Republicans, feel strongly about. We can let this go on and create the anxiety it creates for the faith community or we can bring this amendment up, debate it—and, frankly, I think it is pretty well understood—debate it, vote on it, and let the country know that we still support the Constitution of the United States.

While I am disappointed I did not get to offer this amendment today, I will be back and I am going to do my best to get this amendment offered at the earliest possible time, and I would be glad to see the Senate join me, and the majority join me, in saying let's get this important issue off the minds of the American people and let them know the Constitution still matters and religious liberty is still the first amendment to the Constitution in the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

(The remarks of Mr. ENZI pertaining to the introduction of S. 2091 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ENZI. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

STOCK ACT AMENDMENT

Mr. GRASSLEY. Mr. President, 1 week ago we passed a very important good government bill, the one that would make sure Members of Congress cannot benefit from insider trading information. I added to that an amendment that I think is a good government amendment. It calls for people who are involved in political intelligence gathering—we don't hear much about that profession, but it is quite a business. I asked that they be registered just like lobbyists are registered, and I would like to speak to the point of why that is very important and why it is important to bring it to the Senate's attention, even though it passed by a vote of 60 to 39 just a few days ago.

In the dark of night on Tuesday of this week, the House released its version of the insider trading bill that goes by the acronym STOCK, which wiped out any chance of meaningful transparency for the political intelligence industry. Think about the chutzpah of the people in the House of Representatives—a small group of people—taking out the language I put in that bill when similar language is cosponsored by 288 Members of the House of Representatives, but it happened. So that bill is coming back without the Grassley amendment on it, and we need to think about what we are going to do if we believe in good government, and if we believe there ought to be more transparency in government.

What we are faced with is a powerful industry that works in the shadows—