

being named the 2012 Superintendent of the Year by the American Association of School Administrators.

He is just a good person. He hasn't been there that long, but he came as a superstar and has changed that school district dramatically. He has raised student achievement, and he has improved the graduation rate. He has great teachers, administrators, and the whole staff has done very well.

During the short time he has been there—some 2 years—the graduation rates have increased by almost 25 percent. That is unheard of around this country, and this is a metropolitan area. His success is a testament to the impact quality educators have on school achievement and on students' lives.

I was pleased to submit a letter in support of Dr. Morrison's candidacy for this honor. He certainly deserves this recognition. So I look forward to continuing my work with Dr. Morrison and the Washoe County School District to help improve education for Nevada students. The entire school district, including the school board, is to be commended.

#### TRANSPORTATION AND PAYROLL TAX NEGOTIATIONS

Mr. REID. Mr. President, thanks to bipartisan cooperation, the conference committee reached an agreement to extend the payroll tax cut and unemployment insurance. This compromise effort also protects Medicare patients' right to choose the doctors who take care of them.

I commend the members of the conference committee for their diligence and dedication—for holding a lot more conference sessions. That is the way this place should be. They are hard and difficult, and they are representative of this body. It is hard to arrive at a result, but they did.

The Senate will vote on that conference report as soon as we can today. Of course, we will need Republican support to pass it. But the statements made by my friend, the Republican leader, make it pretty clear we will get Republican support because, among other things, Senator MCCONNELL said Republicans strongly support extending this tax cut for the rest of the year, and that is good.

Americans are waiting and watching what happens here today. With our economy gaining steam—though still fragile—it is crucial we prevent a tax increase on 160 million Americans, and these are working Americans. It is also important to protect the safety net for millions of Americans who can't find work. We have 3½ million people who are in some stage of unemployment in this great country, and we must protect seniors' access to quality medical care by protecting a drastic pay cut—by preventing a drastic pay cut for the doctors who take care of them.

An agreement to solve these issues was possible because Republicans

learned the meaning of the word "compromise." Both sides gave a little to get something done for the American people. We don't have to have a fight on everything. I have said that so many times recently. We need to work together.

We have coming up soon this transportation legislation. I am not happy with the amendments the Republicans have offered. I don't like them. They are not relevant or germane, most of them. But they have a right to offer those amendments, so we will have to work our way through those. I hope my Republican colleagues will understand when we get back that they can't have them all. But I will make an effort to go through those. We will have some votes the Republicans will not want to take either, but we will work through this and get this very important bill done.

Whether it is the State of Iowa, the State of Delaware, or the State of Nevada, it doesn't matter what State we are looking at, this bill is important because it means jobs and it is helping our infrastructure.

Mr. President, we have had thousands of organizations supporting this legislation. Well, that is an exaggeration, but more than 1,000—hundreds and hundreds: AAA, the U.S. Chamber of Commerce, all the construction groups, and labor unions wrote letters to us to get this passed. A number of them have written letters saying: Stop offering these irrelevant, ideological amendments to this bill. These groups believe, as I do, this measure is essential to job creation and economic growth. This legislation is too important for more delays.

Meanwhile, in the House of Representatives, their highway bill is so bad they had to take it down. The view of the Congressional Budget Office was that it would bankrupt the trust fund.

The highway bill has been paid for with a trust fund. People who buy some gasoline or diesel fuel pay a tax, and that goes into this big trust fund and allows us to do the infrastructure. But because of the economy and people's driving habits being different, the trust fund doesn't have enough money. That is why the Finance Committee, on a bipartisan basis, had to report enough out to fill up that trust fund. But it wasn't much money.

But what the Republicans have done is, in effect, place a tax on Federal employees to do that. That will never sell, Mr. President. That just will not work. We have to have bipartisan legislation.

So I hope the House, during its break period, will understand that we have to work together. We are going to send them a bill, and I hope they get one that is better than the one they can't now do and put one together they might be able to do. Then we will have a conference and work this out.

Mr. President, compromise worked for the payroll tax conference committee. It always works. So I look forward to that day and a significant accomplishment for this Congress.

#### 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 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 15 minutes in morning business.

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

#### POSITION REVERSALS

Mr. GRASSLEY. Mr. President, in recent weeks, we have seen the Obama administration reverse quite a few of its positions on very important issues, so I am going to go through several of those positions that have been reversed to remind people of the number and the consequences of those reversals, and also to remind people that when Presidents make promises, they do not always keep them.

This has continued to be a recurring pattern, where the administration's deeds have not lived up to its words. Here is the record:

The administration reversed its position on employer funding for employee contraception, sterilization, and abortion-inducing drugs under the new health care law. Those of us who opposed the President's law when it was passed in 2009 and 2010 warned Catholic groups that, if it passed—meaning if the health care reform bill passed—religious institutions would be required to pay for these services.

For some religious institutions, payment or providing these services would violate their constitutional right to freely exercise their religion under the first amendment. Sure enough, when the Department of Health and Human Services issued a regulation implementing the President's health care law, religious-affiliated entities, such as colleges, hospitals, and charitable organizations, were required to pay for these services. If these institutions did not pay, then they would face a \$2,000 fine per employee, per year under the health care reform bill.

Many Catholic entities objected. They correctly saw the rule as a threat to their freedom of conscience, protected by the first amendment. But many non-Catholics also were angered. They knew and feared that if the health care reform bill proposed by President Obama allowed the government to run roughshod over some people's freedom to practice their religion,

it could do the same for practices of other religions beyond Catholicism. The regulation was a direct assault on freedom of conscience, and the American people knew it.

It was no longer a contraceptive issue. The issue was freedom of religion. So last week the President ordered a change. No longer would the employer, such as religiously affiliated institutions, have to pay for coverage of services to which it conscientiously objected. Instead, the cost supposedly would be paid by insurance companies. Of course, somebody will ultimately have to pay the cost.

After the President's reversal, employers will still pay insurance companies to provide for coverage and, more directly hitting the institutions, those that are self-insured will still have to pay not indirectly but very directly.

Since the substance has not changed, the change appears to be designed to undercut opposition rather than to respond to legitimate objections to the earlier policy. Then we get back to basics: There is no such thing as a free lunch. We have to wonder how carefully the original policy was vetted by the administration.

As a result, President Obama has been accused of waging war on religion. This particular policy violated the rights of religious entities and individuals, and the administration considers the matter somehow to simply be closed by the press announcement 1 week ago. But the Catholic bishops and many other religious organizations violently disagree. So Congress may have to overturn the policy if we want to abide by the strict words of the Constitution and freedom of religion, because if we don't, I expect the President's new policy will be challenged in the courts on the first amendment, free exercise clause, and the Religious Freedom Restoration Act.

Moving on to another change of policy. Another recent policy shift occurred on a different first amendment issue beyond freedom of religion. Turning to the right of free speech.

The Supreme Court ruled that the first amendment required that corporations and labor unions be allowed to make independent expenditures on behalf of candidates. President Obama severely criticized that ruling of a couple years ago, and right after it was made he even objected in his State of the Union Address right in front of the same Supreme Court Justices. Even the New York Times has said his criticism at that time of the Citizens United decision was probably wrong. Nonetheless, President Obama has repeatedly said he thinks the ruling harms democracy.

But now, President Obama has changed his mind. He is encouraging, under Citizens United, donors to give to a super PAC that supports his candidacy. He now says Democrats need to match the Republicans to tap these sources of campaign funds.

Here, though, he has made more than a 180-degree turn. He has gone beyond

simply asking donors to give to super PACs that independently support his candidacy. Under the new policy, even White House staffers and Cabinet Secretaries can attend super PAC events.

At these events, corporations, unions, and wealthy individuals can pay large sums for access to key administration policymakers. These administration officials do not directly ask for money, of course, but they help to raise unlimited funds from corporations and unions. Of course, this is allowed under Citizens United, but it is the very same decision the President criticized and now he is going against his own criticism.

I do not know what principled position would allow a President to condemn a decision and then have his administration officials help corporations and unions capitalize on that decision for his benefit.

I suspect, of course, that the President would say he will still oppose that decision, even if he indirectly obtains the benefits of the Citizens United case. But I think it is very important that we understand letting a President have it both ways is not principled.

Let us consider another issue—the issue of lobbyists. In December 2011, through a fundraising e-mail, President Obama wrote:

We don't take a dime for D.C. lobbyists or special-interest PACs—never have and never will.

But one of his campaign bundlers, former Representative Ron Klein, has raised between \$200,000 and \$500,000 for the Obama campaign. Do you know what. Mr. Klein is a registered Federal lobbyist.

On the 2008 campaign trail, President Obama pledged there would be no revolving door between lobbying and serving in his administration. He issued an Executive order to bar former lobbyists from joining his administration to work at agencies they recently lobbied. Yet he issued a waiver allowing William Lynn, who had been a top lobbyist for a major defense contractor, to manage day-to-day operations at the Pentagon. More recently, he made Cecilia Munoz the head of his Domestic Policy Council. Ms. Munoz was a registered lobbyist through 2008. The administration has admitted to granting waivers for only a few lobbyists. Yet it has declined to identify all lobbyists to whom it granted waivers.

The promise of transparency doesn't apply in this case, evidently. So the President's actual policy is, "No lobbyists in my administration, unless I absolutely want them."

Then there is the President's public commitment to transparency in government. I just mentioned one violation of that transparency. Now we go on to talk about his transparency problem.

President Obama issued an Executive order to department heads. The order reads:

My administration is committed to creating an unprecedented level of openness in

government. We will work together to ensure the public trust and establish a system of transparency . . ."

But that is not policy the administration followed in responding to Freedom of Information Act requests. The Obama Justice Department advised agencies to tell Freedom of Information Act requesters seeking certain national security- or law enforcement-related documents that those documents did not exist.

He said to tell them these documents do not exist, even if the agency knew the documents did exist.

The process seems to have been to make a grand pronouncement and score political points. Then, when they think no one is paying attention, the policy shifts. I do not know who was responsible for vetting this blatantly dishonest policy, but the predictable firestorm ensued and, thank God, the administration has now backed down.

This is not the only instance of the administration failing to practice what it preached concerning FOIA requests. A different Obama Executive order gave these directions:

The government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears.

Nondisclosure should never be based on an effort to protect the personal interests of government officials at the expense of those they are supposed to serve.

That is not how the Department of Homeland Security handled FOIA requests. Homeland Security FOIA requests were sent to the Secretary's office for political appointees to review. Career FOIA staff were not allowed to respond to the requests without the approval of political appointees.

The House Governmental Reform and Oversight Committee has demonstrated these political officials misused FOIA exemptions to prevent the release of embarrassing records. This was in direct violation of the President's promise.

Moving on. As a candidate, President Obama stated that:

[i]t is a clear abuse of power to use [signing] statements as a license to evade law that the President does not like or as an end-run around provisions designed to foster accountability. I will not use signing statements to nullify or undermine congressional instructions as enacted into law.

However, in his first year in office, President Obama signed an omnibus appropriations bill that contained a standard provision that Federal funds could not be used to pay the salary of Federal employees who attempted or threatened to prevent another Federal employee from communicating with Congress.

This provision has always provided important protection for whistleblowers against waste, fraud, and abuse in government, and somehow these whistleblowers, under the President's signing statement, wouldn't dare talk to Senator GRASSLEY or other Senators about waste, fraud, and abuse. So how

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 instructions 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 unrelenting 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 below 8 percent and 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 was passed.

We can't conclude anything else other than the fact that 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 glimmers of 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, how to 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 or short-term fixes to this problem, we have not taken the necessary steps to get ahold of our larger fiscal issue and problem—the growing red ink and debt our economy is being burdened with through the policies that are enacted and not enacted here in Washington.

The Obama budget is out of touch with the reality of our fiscal situation. The President's fiscal year 2013 budget increases spending every year, proposes the largest tax increase in history, burdens the country with more debt, and never balances the budget. As we have seen before, the administration's budget principles cannot be anything but spend more, borrow more, and tax more. This is a failed approach, it is dropping us deeper and deeper into debt, and making our solutions more difficult every day that we spend more than we take in.

One of the major things we have not addressed this year because we have not exhibited the will to do so is failure to address entitlements. Entitlements and mandatory spending plus the interest we pay on borrowed debt continue to eat up ever more of our budget, a larger and ever growing percentage which will continue over the next years at a staggering number. It simply is not sustainable. While we must work to save our safety net programs that we have promised the American people, we need to understand that doing nothing makes the situation worse and does not do anything to help retirees. We have to be honest—with those retirees and those nearing retirement and those who are looking to the future—about the solvency of the Social Security trust fund and the solvency of the Medicare trust fund.

Medicare is projected to go broke by 2024. Over the next decade, Social Security spending will grow by 6 percent annually, and by 2026, benefits for all retirees will have to be cut by a minimum of 23 percent if we are to keep the trust fund solvent. The gravest threat to Medicare and Social Security is doing nothing. We in fact are doing nothing.

We will have legislation to vote on here today that further exacerbates the

problem of the Social Security trust fund. This is couched as a tax break for American people to be extended as a result of a payroll tax cut on their Social Security contributions. So instead of putting today's requirement of a percentage of your income into the Social Security trust fund for the benefit of retirees and our own retirement when we finish our careers, and the American people's retirement, we are deducting from that trust fund money that is going to have to be paid back. It is a shell game. We are telling the American people they are going to continue for the next year to get a payroll tax cut but the tax cut is taken out of the contribution to the Social Security trust fund. I am amazed that AARP or Save Social Security or all the entities that put ads on the air and send mailers to people around the country that say don't let Congress cut our Medicare funds, don't let cut Congress cut our Social Security—where are they today, saying Congress is robbing our Social Security trust fund and then they call this a tax cut?

Be honest with the American people. We are simply taking money from the trust fund for retiree benefits, making Social Security come closer and closer to bankruptcy and insolvency, at the same time not telling the American people that this so-called tax cut is robbing that fund.

We will be presented with a vote today to be honest 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 taking the money out of your 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 that exists here in the United States. Until we level with the American people and until 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 that 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 yesterday at the House Committee on Oversight and Government Reform. They held a hearing on the administration's decision to