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

make sure that women have access to affordable contraception, but guess who was missing. The women. This is a picture of the first panel from yesterday's hearing. Not one woman was seated at this table, not one woman at the table, yet the topic was women's health.

What is more difficult to understand is that when female members of the House committee asked for a woman to testify along with the men, they were denied. Their request was simple: to allow Sandra Fluke, a Georgetown Law School student, to testify on this panel of all men. As a woman she could speak firsthand about how this rule would impact women. But their request was denied because the chairman said Sandra Fluke was unqualified.

How can a woman be unqualified to talk about women's health care? Yet every one of these men on the panel was deemed to be qualified to talk about women's health care. I am disappointed. I know it is a disappointment that is shared by millions of women across this country. I am saddened that here we are, in 2012, and a House committee would hold a hearing on women's health and deny women the ability to share their perspective.

Time and time again, women have been silenced in this discussion, a discussion about our own very personal health care decisions. In fact, a recent analysis of the leading cable news channels showed that almost twice as many men as women were invited to join the conversation.

I think it is critical to understand that the underlying issue here is about affordable access to contraception—something that is basic to women's health. Birth control is something that most women use at some point in their lifetime and something that the medical community believes is essential to the health of women and their families. Research shows that access to birth control is directly linked to declines in maternal and infant mortality, that it can reduce the risk of ovarian cancer, and that it is linked to overall good health outcomes.

Some women, 14 percent of them, use birth control not as contraceptives but to treat serious medical conditions. That is about 1.5 million women.

When the administration first announced its decision to require employers to offer health insurance coverage for contraception, there was a robust conversation about religious liberty. In response to that, the President modified his decision last week, preserving the religious liberty of those religiously affiliated institutions, such as hospitals or universities, but also protecting the women who work for them. His decision ensured that all women have access to contraceptive coverage, and if a woman's employer has a religious objection, women can get that critical coverage directly from their health plans.

The Catholic Health Association has supported this policy, and yet, as we saw yesterday, some attempt to continue to politicize this issue. We cannot lose sight that this is at the most fundamental level of debate about women's preventive health.

Women deserve a voice in this debate because, after all, in the end this is about our health and it is about a health care decision that is between women, their families, their doctors, and their own faith.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague from New Hampshire.

For millions of American women, reading the news this morning was like stepping into a time machine and going back 50 years, seeing the headlines and the photos of this all-male panel in the House talking about a woman's right to access birth control, and no women on the panel. It turns out the chairman of the House oversight committee decided he was not going to allow a young woman who had been asked by the minority to testify and tell her story—actually of a friend who had lost an ovary because of her lack of contraception coverage. So this 19-year-old woman was left to watch, like the rest of us, as all five men addressed the committee about how they supported efforts to restrict access to care.

I am sure by now many of my colleagues here have seen this picture of this all-male panel, the picture that says a thousand words. It is one that most women thought was left behind when pictures only came in black and white.

But this was not the only story this morning that made women feel as if the clock had been turned back on them. The other story comes to us from the Republican Presidential nomination trail. It seems that yesterday, on national television, one of the chief financial backers for Rick Santorum, the Republican candidate who is now surging toward the nomination, suggested that contraception was once as simple as a woman putting aspirin between her knees. Really? Shocking. Appalling. An insult. In fact, both of these stories are enough to make any woman, regardless of her own politics, angry. It certainly does me.

These are things that are happening today and they are enough to make you believe that after years of progress, nothing has changed. For many women and men who are waking up to the news this morning, it may seem this is a swift and sudden attack on women's health care, but I am here on the floor of the Senate today to tell you all there is nothing sudden about it. There is nothing new about these Republican attacks on our family planning decisions. In fact, from the moment they came into power, Republicans in the House of Representatives have been waging a war on women's health. If you do not believe me, look at the first bills they introduced after they arrived here in Washington, DC, and were sworn into office. After campaigning across the country on a platform of jobs and the economy, the first three bills they introduced were direct attacks on women's health in America.

The very first bill, H.R. 1, would have totally eliminated title X funding for family planning and teen pregnancy prevention. It included an amendment that would have completely defunded Planned Parenthood and cut off support for millions of women who count on it.

Another one of their opening round of bills, more than a year ago, would have permanently codified the Hyde amendment and the DC abortion ban, and the original version of their bill did not even include an exception for the health of the mother.

Finally, they introduced a bill right away that would have rolled back every single one of the gains we worked so hard to get for women in the health care reform bill. It would have removed the caps on out-of-pocket expenses that protect women from losing their homes and their life savings if they get sick. It ended the ban on lifetime limits on coverage. It allowed insurance companies to once again discriminate against women by charging them higher premiums or even denying women access for so-called preexisting conditions—that, by the way, includes pregnancy.

It would have rolled back the guarantee that insurance companies cover contraceptive activities, which will save the overwhelming majority of women who use them hundreds of dollars a year.

In addition to showing their true colors with their very first legislative efforts, Republicans have shown they will go to about any limit to restrict our access to care, even shutting down the Federal Government. It seems extreme? That is exactly what happened last April, when Republicans nearly shuttered the Federal Government over a rider that was another attempt to go after title X and Planned Parenthood.

I remember, I was in those meetings, months and months of negotiations on the numbers in our budget. I was astonished that Republicans, late at night, were willing to throw all that work away to go after women's health. I was the only woman in the room that night. I can remember being personally disgusted that Republicans thought they could get away with making women victims, under the cover of darkness, in the middle of the night, with moments to go before the government was shut down.

But I also remember the resounding ''no'' when they tried to pull that, first from me, then from my women colleagues joining me today, and then a loud and overwhelming chorus of men and women all across the country. That chorus of women was heard again a few weeks ago after yet another attack on women's health care. This time the attack came cloaked in a sham investigation led by some of the same

congressional Republicans who yesterday had this all-male panel talking about women's contraception. It was an investigation of the Susan G. Komen Breast Cancer charity sites to cut off funding for lifesaving breast cancer screenings for women. We know what happened after the outcry followed that decision. I certainly remember going home and standing shoulder to shoulder with women and men in my home State in front of a clinic that provided those breast screening referrals and pledging to safeguard against any future attacks in the wake of that decision, but I didn't think it would come the very next week. Apparently, Republicans are still not done. Even after the loud rebuke after the Komen decision, they have decided again to pick on women's health.

Just last week, the junior Senator from Missouri introduced an amendment to a job-creating transportation infrastructure bill that is as extreme as anything we have seen. It is an amendment that will allow any employer—a barber, a banker, a multinational corporation—to be given an exemption to not cover contraception or any essential preventive for any religious or moral reason. It is an amendment that would give any employer an unprecedented license to dictate what women can and cannot have covered. It puts your employer smack in the middle between you and your health care. It is politics between women and their health care, and before the news that women across the country awoke to this morning, it was just the most recent in a very long line of attacks on our reproductive rights.

Contraceptive coverage should not be a controversial issue. It is supported by the vast majority of Americans who understand how important it is for women and their families, but let me remind everyone Republicans have made it clear from the start this is not about what is best for women or men or their family-planning decisions, it is apparently a political calculation. This is about their constituency. It is about their continued push to do whatever it takes to push their extreme agenda.

The women of the Senate, the Democratic women, are here to say enough. We are standing today and every day to fight for women and their right to make their own basic health care decisions, not their employer, not an extreme part of the Republican Party, not some men on a panel but themselves. We will continue to do so, and I am proud to stand with the women of the Senate to do just that.

I yield the floor.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that I may consume 3 minutes and my colleague from California may also consume 3 minutes before we move on to the next matter.

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

Mrs. GILLIBRAND. Mr. President, I have said it time and time again all across New York State at event after event: We need more women's voices in our decisionmaking process. We need more women at the table in government and in business. When women are at the table, they bring a very different perspective to the same problems, a different set of solutions, a different approach. At the end of the day, the outcomes are better when women's voices are heard.

But just when I thought I couldn't be any more dumbfounded by the debate around here in terms of denying access to women's health services, there was a hearing yesterday in the House of Representatives on the topic of contraception and all the witnesses were male. My colleague, CAROLYN MALONEY, had it quite right when she walked out on that farce.

Let me be clear, once again: 99 percent of all America's women have used contraception at some time in their lifetime. When will they get this simple, nondebatable fact that the power to decide whether a woman will use contraception lies with her, not her boss, not her employer. What is more intrusive than trying to allow an employer to make medical decisions for someone who works for them? This has nothing to do with religious freedom, and you don't have to take it from me. Take it from Supreme Court Justice Antonin Scalia. In the majority decision of the 1990 case on Employment Division v. Smith, Scalia wrote:

> We have never held that an individual's religious beliefs excuse him from compliance with an otherwise valid law prohibiting conduct that the State is free to regulate.

It is time to end this ridiculous, ideological fight once and for all and get back to the real business at hand of growing our economy and getting Americans back to work.

But if our Republican colleagues want to continue to take this issue head on, we will stand here as often as is necessary and draw a line in the sand that the women of the Senate will continue to oppose these attacks on women's rights and women's health care.

I yield the floor for my colleague from California.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I wish to associate myself with the remarks of my fellow colleagues this morning. They are eloquent. When I looked at this scene that Senator MURRAY and Senator SHAHEEN had up here and looked at this picture of this panel that is supposed to be speaking about women's health—in particular, birth control—obviously I was stunned. It brought back a memory from 20 years ago when all of America looked at the Senate and saw there was not one woman on the Senate Judiciary Committee, and they realized that year, in 1991, that there were only two women in the entire Senate. It sent shockwaves through the country. Whether one agreed with Anita Hill or Clarence Thomas, that was not the point. We had very strong feelings about that on both sides.

The point of this is that on an issue so critical to this Nation, the next Supreme Court Justice, there was not one woman on the Senate Judiciary Committee, and we had the ''Year of the Woman,'' and we tripled the number of women in the Senate. It wasn't much, 2 to 6, but it was a start, and now we are at 17, and we are going higher because yesterday this is what America saw, a Republican House of Representatives that is so hostile to women's health that they didn't even think about having a person on there who was a female, nor did they have anyone on there that agreed it is important that women have access to birth control knowing that for many women birth control is medicine, knowing that 99 percent of women, sometime in her lifetime, utilized birth control.

So this picture is worth a thousand words. I have a 16-year-old grandson. I came home, I had this picture in my hand. I went up to him—he's not particularly political—and I said: Zach, what do you notice about this? He said: ''It's all dudes.'' This does not take a degree in political science to see what is going on here. When we come back, we are going to be on the highway bill. There will be some bumps in the road along the way, but at one point we will probably have an amendment to vote on called the Blunt amendment. As we get to that later, I will talk about it.

But Senator BLUNT, a Republican Senator from Missouri, has put forward an amendment that would allow any single employer—regardless of how large or small their operation—to deny essential health care to their employees and preventive health care if they simply say it is a matter of conscience. It is right there. Senator BLUNT says: Oh, no. I heard Senator BROWN defending Senator BLUNT saying: No, no. Oh, yes. Just read it and look at the list of lifesaving and health-saving services that would be denied.

So women of America and the men who care about you, get ready because there is an assault on women, and stand with us.

Thank you very much.

I would yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I wish to thank my colleagues from California, New York, New Hampshire, and Washington State for the great job they have done. Before I speak about our judicial nominee, I wish to say I join them in their remarks and their feelings. This is about women's health, and women and men all over America are scratching their heads and saying: Are we fighting against contraception? Are we turning the clock back 60 or 70 years? It makes no sense.

If a woman wants contraception for either birth control or other health purposes—and most women use it for other health purposes—it is up to that woman, not her employer. That is the

bottom line. The vast majority of Americans, men and women, agree with that statement. That is true of every major religion from the polling data I have seen.

Frankly, I don't understand this Republican Party. First, they made war on the Hispanic community, one of the fastest growing segments in America on immigration, and now they are making a war on the majority of America, women. While not every woman feels the way we do, the vast majority of women do. So I don't get it.

Then to take an amendment such as that from my friend from Missouri and expand it even further and say, if someone owns a McDonald's, they can decide to not provide contraceptive services—the real reason might be because they don't want to pay extra or other reasons that are not religiously based—I don't get it.

I hope we do have a vote on the Blunt amendment because I think the American people would not be for that amendment on an overwhelming basis. The more they learn about it, the more that happens, and that is why the tide is moving in that direction.

I wish to thank my colleagues for allowing me to say a few words on that issue.

FURMAN NOMINATION

Mr. SCHUMER. Mr. President, I rise in support of Jesse Furman, who is a nominee for the District Court in the Southern District.

I have had the good fortune to present to the President more than 13 nominees for the Federal bench, every one of them is incredibly accomplished. Each represents the best of the bar that the State of New York has to offer. I believe in excellence, moderation, and diversity, which are the three standards I use. But on the standard of excellence, Jesse is no exception to my standard of excellence. In fact, he doesn't just meet it, he shatters it. He is one of the most brilliant lawyers in the country. He is amazing. The fact that he wants to serve our Federal Government on the bench is a tribute to us all. It is a tribute to our country and to him.

How about moderation? This is the issue I wish to speak most to my colleagues about. Who was his protégé in many ways? Judge Mukasey. He worked for Judge Mukasey as a clerk and then as attorney general. A lot of people on this side of the aisle, including myself, have real differences with Judge Mukasey, but if we cannot support Jesse Furman for the nomination, then we cannot support anybody because this nomination could have come from a Democrat, it could have come from a Republican, it could have come from a conservative, it could have come from a liberal. He is truly a mainstream thinker, and so this vote will be indicative. Because if Jesse Furman cannot achieve cloture, then our system is so paralyzed we better go back to the drawing board because it will mean no district court judge can be approved, none.

So I would ask Senators on both sides of the aisle to support him. I know we have a number of our Republican colleagues who have said they might support him, and I hope they will. We had a good vote in the Judiciary Committee on Jesse Furman. Again, he is truly excellent, endorsed by his former coclerks on the Supreme Court, including those who clerked for Justices Rehnquist, Thomas, O'Connor, Kennedy, and Scalia.

John Podhoretz, a conservative columnist, wrote that Furman should be confirmed because he is ''terrifically knowledgeable, entirely respectful of views that differ from his, and utterly without an axe to grind.'' That is why he passed without discussion out of the Judiciary Committee without dissent.

Please, colleagues, a vote for Furman will show that we can come together certainly on a judge of such moderation. A vote against him will say the system is irreparably broken.

I thank the Chair.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1813, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Pending:

Reid amendment No. 1633, of a perfecting nature.

Reid amendment No. 1634 (to amendment No. 1633), to change the enactment date.

Reid motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid amendment No. 1635, to change the enactment date.

Reid amendment No. 1636 (to (the instructions) amendment No. 1635), of a perfecting nature.

Reid amendment No. 1637 (to amendment No. 1636), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to urge my colleagues to vote no on cloture on Senator REID's amendment No. 1633 to the highway bill. The bill we are getting ready to vote on puts the other titles into the highway bill from the Commerce Committee, Finance Committee, and Banking Committee.

I am going to object on the grounds that the Commerce Committee title is not the title that should be included in this bill. What happened is that there was a partisan amendment that was added to a markup very late that the minority had not had a chance to work out before it went to the markup. We thought it wasn't going on the markup, but it did go on the markup before we were able to have the input and work it in a better way, which has been our usual position in the Commerce Committee.

The bill would create an unfunded, unlimited discretionary grant program that has divided the transportation community. It will add a new Assistant Secretary for Freight Planning and Development and a whole new office in the Department of Transportation. This is a part of the bill that certainly none of the Republicans can support, and it caused a party-line vote in the Commerce Committee.

Additionally, the bill that will be before us contains provisions that would create two new programs within the Research and Innovative Technology Administration that would cost taxpayers $28 million annually to administer, and the CBO estimates the underlying bill would cost $615 million for 10 years including these two new programs. That would be about double what the levels are for this program in today's terms. So the next 10 years would have been at $318 million if we had kept it at static levels, which we are doing in most other parts of the highway bill. Instead, the bill we are voting on today would more than double that to $615 million over the next 10 years for RITA.

We don't have to have this kind of partisan effort on the bill. Our Commerce Committee has been very good at bipartisan work. I see the Senator from California on the floor who has worked in a bipartisan way with the Senator from Oklahoma on the underlying bill. But the Commerce bill that came out was not bipartisan.

We have worked hard with Senator ROCKEFELLER and we have informed all of our Members on both sides to get a consensus, and we got one. We got a consensus that would have taken the Freight Act part of it that set policies for new freight studies—we did that. That part would be in the compromise bill. It keeps the funding in line with current levels in the Research and Innovative Transportation Administration. But those compromise provisions that Senator ROCKEFELLER and all of our staffs of the whole committee worked on are not in the bill we are voting on today.

We worked together relating to the importation of motor vehicles and equipment in the National Highway Traffic Safety Administration reauthorization bill. It would stop unsafe equipment from entering our ports. We worked hard to put forward language that provides inspectors the right tools while at the same time minimizing unnecessary costs and burdens on equipment manufacturers. Again, the modifications are in the bill that we agreed to with the majority in the Commerce Committee, but they are not in the bill