our universal feelings of patriotism and courage.

As a Marylander, I am proud of the role my State played in the War of 1812, and I have been involved in legislative efforts to bring greater attention to this bicentennial celebration. My colleague Congressman RUPPERSBERGER and I were sponsors of the Star Spangled Banner Commemorative Coin Act, signed into law by President Obama in August 2010, directing the U.S. Mint to create coins commemorating this important anniversary.

These gold and silver coin designs are emblematic of the War of 1812, particularly the Battle of Baltimore that formed the basis for the lyrics to our National Anthem. The coins are set to go on sale in March and will be sold only during this year. The surcharges from these commemorative coins will provide support to the Maryland War of 1812 Bicentennial Commission to conduct bicentennial activities, assist in educational outreach, and preserve sites and structures relating to the War of 1812.

I am also planning to introduce with my colleagues Senator PORTMAN, Senator KERRY, and Senator MIKULSKI a resolution to mark this occasion, to celebrate the heroism of the American people during the conflict, and to recognize the various organizations involved in organizing commemorative events in Maryland and throughout the United States in the coming years, including the U.S. Armed Forces, the National Park Service, and the Maryland War of 1812 Bicentennial Commission.

As we recognize all these ongoing efforts during this commemorative period, I encourage all Americans to remember the sacrifice of those who gave their lives to defend our Nation's freedom and democracy, and to join in the bicentennial celebration of our victory in the War of 1812.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. SCHUMER). The Senator from California is recognized.

ORDER OF BUSINESS

Mrs. BOXER. Mr. President, could the Presiding Officer tell me what the pending business is? Are we on the Transportation bill at this time?

The PRESIDING OFFICER. The majority has 4 minutes in morning business.

Mrs. BOXER. All right. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from New York is recognized.

WOMEN'S HEALTH CARE

Mrs. GILLIBRAND. Mr. President, it is with great disappointment and bafflement that I stand here yet again in the year 2012 to draw a line in the sand against another outrageous attempt to roll back women's access to basic health care services.

After insisting that we debate the long-settled concept of provided access to birth control, when 99 percent of American women use this medication at some point in their life, many of whom use it not even for contraception, Republicans have chosen to take another extreme step to roll back all women's health care rights. So instead of talking about how to grow our economy, we are wasting time on the latest overreach and intrusion into women's lives. When will my colleagues understand this very nondebatable fact, that the decisions of whether a woman takes one medicine or another, or what type of health care she should have access to, should not be the decision of her boss—a commonsense, simple principle, that bosses and employers should not make these very personal decisions. What could be more intrusive than that?

Let me be clear. This debate, as the Presiding Officer said in his remarks, has nothing to do with religious freedom. You do not have to take it from me. Take it from the Supreme Court. Take it from Justice Antonin Scalia, one of the most conservative Justices of our Supreme Court.

In the majority decision in 1990, Employment Division v. Smith, Justice Scalia wrote, ''We have never held that an individual's religious beliefs excuse him from compliance with an otherwise valid law prohibiting that the State is free to regulate.'' And that is exactly what we are seeing here. Employers cannot pick or choose what laws they are going to follow. Employers cannot pick or choose if they want to follow this labor law or that labor law. They have to follow the law.

This extreme amendment Republicans are bringing up for a vote tomorrow makes it clear that this is a political and ideological overreach, not a religious issue. The fact that they want to exempt all businesses from providing any preventive care for a woman is outrageous and a clear, callous disregard for the health and well-being of America's women.

The Blunt amendment would allow any insurer or employer to refuse coverage for any health care service otherwise required under the Affordable Care Act, jeopardizing vital and necessary health care services for millions of Americans, services such as prenatal care that help our babies survive; fertility treatments; testing for HIV; mental health services; screening for cervical cancer; screening for type 2 diabetes; vaccinations.

Coverage for any or all of these services and countless others could be denied to any person under this radically broad amendment. This amendment is not just dangerous for women, it is also dangerous to our children, and children's health groups are opposing this amendment because vaccines could be denied on the basis of personal belief. Denying childhood preventive care could negatively influence their health as adults, adding billions of dollars in additional health care costs throughout the lives of these children as they grow.

We will not stand for these attempts to undermine the ability of a woman to make her own decision about what is best for her and what is best to protect her children. If our Republican colleagues want to continue to take this issue head on, we will stand here as often as necessary to draw a line in the sand and to make it known that in the Senate we oppose these attacks on women's rights and women's health. And even if House Republicans are not going to allow women's voices to be heard in their hearings, women's voices will surely be heard all across our country.

It is time to agree that women deserve access to preventive health care services regardless of where they work and who their boss is. It is time to agree to get back to work on legislation that can create jobs and get our economy moving. That is what the American people want us to be debating. That is what our mission should be here in Congress, and that is where our sole focus should be, not on undermining protection and well being for America's women.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. 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 by title.

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. 1730, of a perfecting nature.

Reid (for Blunt) amendment No. 1520 (to amendment No. 1730), to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

Mrs. BOXER. As the senior Senator from New York relinquishes the chair to his colleague from New York, I want to thank both of them for their amazing leadership in every issue we turn to today.

Senator SCHUMER's work to help us bring this transportation bill to the floor is exemplary. And Senator SCHUMER knows, as Senator GILLIBRAND

knows and every one of us knows, we cannot have a strong economy if we cannot move goods, if we cannot move people, if commerce comes to a halt. So we have to pass a transportation bill to make sure our highways are adequate, our bridges are safe, our commerce can move, and our transit systems can carry people from one place to another.

I want to say to my colleague who is now sitting in the chair, Senator GILLIBRAND, that I listened to her remarks. I am very touched by them. She talked about women's voices, and she is dedicated to ensuring they are heard. Let me assure my friend that her voice has been heard on this and so many other important issues. And it is an effective voice. She was the one who came to me when the Republicans started to say they did not think it was necessary for women to have access to birth control with no copay through their insurance, and said: BARBARA, do you understand that a full 15 percent of women are prescribed birth control pills because they want to avoid ovarian cancer, they want to make sure that a cyst on an ovary does not get out of control, they want to avoid debilitating monthly pain, and even it is used for terrible skin conditions?

So when we hear our colleagues talk about birth control as if it is some unnecessary prescription—although you never hear them say it when it comes to Viagra, I would note—let me point out it is necessary. We will be on our feet day after day, month after month, hour after hour, and minute after minute, because we are not going to let them take away medicine from women. Oh, no. They are not. They will not. And the women of this country will not have it. They are engaged in this debate. They understand it. My friend from New York has been an incredible voice.

So here we are. We are on the highway bill. You may wonder, why is it that the Senator from New York came and talked about the issue of birth control and women's health when we are on a highway bill? Well, here is the news: My Republican colleagues are so intent on taking away women's rights, rights to health care, that they insisted on having a vote to take away these rights before they would allow the highway bill to move forward. Can you imagine?

I think it appropriate that at this point I pay tribute to my colleague, Senator OLYMPIA SNOWE, who has been an amazing colleague, who has been a voice of reason, a voice of progress, over the many years she has served. I have served with her in the House and the Senate, I do not know, decades. I will miss OLYMPIA SNOWE. But let's listen to what she said. She said: This place has become so polarized, so partisan we cannot move forward.

I would submit to you that the situation we find ourselves in at this moment is exhibit A on why someone such as OLYMPIA SNOWE is saying this has been a privilege and a wonderful thing, but I think I am going to move on. Because here we have a highway bill that is completely bipartisan. And again, my colleague in the chair from New York, Senator GILLIBRAND, is a very important member of the Environment and Public Works Committee. We passed a bill out of our committee with a vote of 18 to 0. We had 100 percent support in a polarized time because everybody understands we have to make sure we have a No. 1 transportation system, a class A transportation system in this great country of ours, a vision that was first brought to us by Dwight Eisenhower in the 1950s when he said, we have to be able to have a network of national highways.

So here is a bill that comes out of the EPW Committee 100 percent bipartisan. The section that dealt with banking comes out of the Banking Committee 100 percent bipartisan. It comes out of the Finance Committee very bipartisan, not 100 percent but very. And in Commerce it had a problem, which we have rectified, and it is now bipartisan.

So four committees have done their work on the transportation highway bill, and all of them have been bipartisan. So we come to the floor—I think this is now the third week or the second week on the bill—the second week on the bill—and we have gone nowhere, because in order for us to move forward, the Republicans are insisting on a vote to take away women's health care. So Senator REID said to them: Fine. We will vote on it Thursday morning. But let it be known throughout this land what is going on.

Sometimes people tune in and they say: Oh, it is so complicated, I cannot follow it. It is not complicated. Here is where we are: We have a bipartisan bill, 2.8 million jobs are at stake. We have to do it. The transportation bill is going to expire, the authorization, so we will not have any program in place March 31. We have to do this work, and we cannot move forward unless we have a vote on a polarizing amendment—a polarizing amendment.

How did it come about, this polarizing amendment? It came about because we passed the health care law that made some incredible breakthroughs. Two of the biggest breakthroughs, I think, in that bill is that we for the first time said to insurance companies and employers: When you provide insurance for your people, it must include a list of essential health care benefits and preventive health care benefits.

Let me read you the list of essential health care benefits that people of America are going to have unless the Blunt amendment passes and takes this away. This is the list of essential benefits the Blunt amendment would take away: Emergency services, hospitalization, maternity and newborn care, mental health treatment, preventive and wellness services, pediatric services, prescription drugs, ambulatory patient services, rehabilitative services and devices, and laboratory services.

These are categories of services that health insurance plans must cover under health care reform. But if the Blunt amendment passes—and we know it started because of birth control, but it has reached beyond that to every single essential health benefit that any employer in this Nation, if Blunt passes, could say: I do not want to do any of these. I do not want to do some of these, because I have a moral objection.

So if you worked for an employer who believes that prayer is what we need to cure illness—and by the way, that is their right. I would fight for their right to believe that. They would be able, however, to tell you that that is your alternative, and they do not have to provide any of those essential health benefits in their insurance plan.

The other thing the Blunt amendment does is it says that no more preventive health benefits will be required. Under the law, these are the preventive health benefits that are required to be offered to you. You do not have to take them if you are an employee who has an objection to any of these things. You do not have to do it, but they have to be offered to you: Breast cancer screenings, cervical cancer screenings, hepatitis A and B vaccines, measles and mumps vaccine, colorectal cancer screening, diabetes screening, cholesterol screening, blood pressure screening, obesity screening, tobacco cessation, autism screening, hearing screening for newborns, sickle cell screening, fluoride supplements, tuberculosis testing for children, depression screening, osteoporosis screening, flu vaccines for children and the elderly, contraception.

Contraception is a preventive health benefit because we know it prevents unintended pregnancies and prevents abortion and prevents illness. Fifteen percent of people take it to prevent illness. Also, well-woman visits, HPV testing, STD screening, HIV screening, breast feeding support, domestic violence screening, and gestational diabetes screening—all of these have to be provided. But if you don't want to take contraception, you can say, no; I am not interested in that. If you don't want to have your child to have a vaccine—personally, I think that is terrible—but you don't have to. But that is what is required.

Under the Blunt amendment, let's be clear. Any employer who simply says they have a moral objection can say: Sorry, see this list. We are not going to do 6, 7, 8, 9, or 10 things here. For example, obesity screening, we believe that is your problem, and we have a moral objection to that. Colorectal cancer screening, I have an objection to that because, again, my religion says it doesn't do any good.

This is why Blunt is so dangerous. It is about denying women the absolute right to have contraception offered to them—it does that, but it does a lot

more than that. Again, we are on a highway transportation bill. It is 2.8 million jobs. It came out of four committees, and it is bipartisan. It will keep this country moving. It will keep this economy going.

Madam President, I want you to imagine one Super Bowl stadium filled with people. Think about what that looks like in your mind's eye. Every seat in that stadium is filled. Now imagine 15 of those stadiums filled. That is how many unemployed construction workers there are in this great country today.

Yes, we are making progress. Yes, President Obama took us out of the worst recession since the Great Depression that he inherited. Yes, he turned it around. But he and we say, we have to do more. We cannot just say, because we are creating jobs now, it is enough. The President knows it; we know it. We were bleeding 800,000 jobs when he took over, and now we have stemmed it and we are creating a couple hundred jobs a month—100,000, 200,000—thank goodness. We have created, in the last 6 months or so, hundreds and hundreds of thousands of jobs.

Here is the point: Why on Earth would we take a U-turn as we are on the road to economic recovery, as we are on the road to a bill that is absolutely necessary, and take up the issue of women's health? I am telling you, I believe it is radical. I believe it is taking us backward. I believe it is hurtful to women. I call on every woman, regardless of political party, to make your voice heard against the Blunt amendment. You are being attacked.

What the President did in dealing with the issue of contraception showed the wisdom of Solomon. He basically said: If you are a religious institution and you have an objection to offering contraception, you don't have to do it. So 335,000 churches are exempt. I feel sorry for the employees who may not agree with the church, but they work for the church and therefore that is the rule.

Religiously affiliated hospitals and universities raised a question—you know, they serve a broad array of people. They hire a broad array of people, not just people of one faith but of many faiths and of many points of view. They raised the question, saying: We don't feel comfortable. The President came up with a compromise that has been embraced by Catholic Charities, Catholics United, and the Catholic Health Association. The only group that doesn't support him are the bishops.

If I could respectfully say to them, they don't deliver the health care services; Catholic Charities does, and the Catholic Health Association does. They represent thousands of providers. So they have embraced the President's compromise. But not my Republican friends. They didn't. They want to cause trouble and take away the ability for women to have access to contraception, without a copay—while they support supplying Viagra to men. It is stunning.

I think this is rippling across the land. I don't know if we have the photo—I don't think we have it on the floor—of the last panel that was held in the House, and my friend from New York talked about it. We do have it.

This is a picture. A picture is worth 1,000 words. This is a panel on women's health focused on contraception. Where are the women? Where are the women? One, two, three, four, five men; they are talking about women's health care. Not one of them ever had a baby. Not one of them ever had a monthly cramp. They are talking about women's health care like they know all about it.

The chairman, Chairman ISSA, didn't see immediately that there was a problem. There was a woman sitting there, and she asked to be heard. She said, ''I have a story to tell this panel.'' Oh, no, he didn't want to hear from her. He said she wasn't qualified. Do you know what her story was? It was about how a friend of hers who was denied the contraceptive pill and instead developed a terrible tumor on her ovary. He didn't think that was worthy of discussion.

This issue is rippling through the land. It says everything to me. We women in the Senate are not going to allow this to go unnoticed. That is a symbol of what is happening to women in this country. In the very States that are passing legislation that some have dubbed ''State rape,'' because it would require a woman to be subjected to an invasive vaginal probe without her consent, now they are backing off. That was the bill that almost passed in the Virginia Legislature. Now they have said: OK, it is a sonogram. There is another way to do it. It took women crying out and saying: Wait a minute. Are you kidding? And they are backing off.

Well, they better back up overall because this is the 21st century. Women should be trusted and respected and honored and believed. When you tell a woman she needs to be lectured by some stranger on her own personal decisions, right away you are questioning her worth. So the issue goes so far beyond the ability to obtain birth control pills. The issue goes so far beyond that. It really does. You can stand up here and say it is not about women's health, it is really about religious freedom, but as PATTY MURRAY, my colleague from Washington, has said: When they say it is not about contraception, it is about contraception.

Others have said: When they say it is not really about the money, it is really about the money. When they say it is not really about politics, it is about politics.

This is about contraception, making it difficult for women who don't have the means to have some sense of control over their reproductive lives and to be able to access a pill that could help them live a healthier life and live longer and free of pain.

So they will come and say: Oh, Senator BOXER, this isn't about contraception; it is about religious freedom. The President has taken care of the religious objection. I described how he did it, and I will say it again. He said if you are a religious institution, you don't have to provide contraception. If you are a religiously affiliated institution, there will be a way for a third party to deal with it. The Catholic health organizations support it, Catholic Charities. He has come up with a compromise. There is no reason to have this polarizing debate. Everybody should have religious freedom, including the employees, including the boss, including everybody. So no one under the President's plan is forced to do something they don't want to do. We just want to make sure when the Institute of Medicine tells us that availability to contraception saves lives and protects health, women get a chance to get it if they want. If they don't want it, they don't have to get it. Of course not.

Again, I will end where I started, talking about my colleague OLYMPIA SNOWE, who is retiring, not running again, because she said we are so polarized. This is exhibit 1. We are on a transportation bill that is bipartisan, but the other side can't let it rest, cannot move forward on it, and cannot move to make sure our businesses and our workers have a brighter future. Oh, no, they have to delay it.

By the way, it is not only with this birth control amendment and women's health amendment but with other amendments that have nothing to do with the subject. It is what makes the American people wonder what we are doing here.

I want to show some charts that deal with transportation issues right now. I will continue talking about OLYMPIA SNOWE for a minute. I went through some of the issues that I worked on with her. I want to talk about them. She and I wrote the Airline Passenger Bill of Rights Act. We were very strong because we knew our constituents were getting stuck on aircraft hour after hour, stuck on the tarmac, with no food, kids screaming, nightmare scenarios, 9, 10 hours on the runway. We thought passengers deserved a bill of rights.

We worked with outside groups, some wonderful people. Lo and behold, it passed as part of the FAA bill that finally got enacted. We didn't get 100 percent of what we wanted, but we got 90 percent. I was proud to work with her.

In 2009, following a tragic Buffalo commuter plane crash, which I know the occupant of the chair remembers, Senator OLYMPIA SNOWE wrote a bill to implement the recommendations of the National Transportation Safety Board to make sure these pilots get enough rest and that they are well-trained. We were very pleased that moved forward. We worked together—OLYMPIA and I—on the Purple Heart for POWs to make

sure the Purple Heart included prisoners of war who died in captivity and they could get that to bless their memory.

We worked together against the global gag rule.

We worked together and wrote a letter to the President—President Obama—asking him to appoint a woman to replace Justice David Souter.

I ask unanimous consent to have printed in the RECORD this letter I will be quoting from.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 11, 2009.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The announced retirement of United States Supreme Court Justice David Souter—an outstanding jurist—has left you with the crucial task of nominating someone for a lifetime appointment to our nation's highest bench.

The most important thing is to nominate an exceptionally well-qualified, intelligent person to replace Justice Souter—and we are convinced that person should be a woman.

Women make up more than half of our population, but right now hold only one seat out of nine on the United States Supreme Court. This is out of balance. In order for the Court to be relevant, it needs to be diverse and better reflect America.

Mr. President, we look forward with great anticipation to your choice for the Supreme Court vacancy.

Sincerely,

BARBARA BOXER,
U.S. Senator.
OLYMPIA J. SNOWE,
U.S. Senator.

Mrs. BOXER. I am so proud of this letter we wrote together. In the letter, we said:

The most important thing is to nominate an exceptionally well-qualified, intelligent person to replace Justice Souter. . . . Women make up more than half of our population, but right now hold only one seat out of nine. . . . This is out of balance. In order for the Court to be relevant, it needs to be diverse and better reflect America.

Then, of course, the President nominated Sonia Sotomayor and we were very excited about that.

So it was wonderful to work with her on that, and we worked together on respecting human rights in Tibet and led 27 Senators in a letter to Chinese leader Hu Jintao asking that Tibetans be respected. Regarding women in Afghanistan, we worked together to ask Afghan leaders to revise a law that would legalize marital rape and impose other Taliban restrictions on Shiite women in Afghanistan.

This is just a partial list of issues I have worked on with OLYMPIA SNOWE, and I will do a longer tribute for the record at a later time.

But, again, as I heard this news, I was first filled with worry about her health, and I hoped she was OK. But she has clarified she absolutely is. So I wish her nothing but the best. I know she will always work on issues because she is so good at looking at a problem and solving it and not thinking first whether it is Democratic or it is Republican or where it falls on the political scales. So I have appreciated working with her on so many of these important issues that have come before us.

I think the Senate should take a minute to think about this in relation to this bill. The whole world is watching us. When I say that, I don't mean the whole world literally, but I think the country is watching us. Why do I say that? Because 1,000 groups have endorsed our moving ahead with this bill—a coalition of 1,075 organizations from all 50 States. Here is what they said about this Transportation bill:

There are few Federal efforts that rival the potential of critical transportation infrastructure investments for sustaining and creating jobs and economic activity.

This is what they wrote. So they know this is the way to sustain and revive economic activity. This is what is at stake: Right now, 1.8 million jobs are created because we have a transportation bill. That bill ends March 31. So 1.8 million jobs are at stake if we don't act. Because of the way we wrote our bill, we leveraged funding, and this gained great bipartisan support. We have greatly increased the TIFIA Program, which is the transportation infrastructure financing program, which leverages funds by 30 times. Because of this, we believe we will see another 1 million jobs created. So we are talking 2.8 million jobs that are at stake. Yet we have an amendment on women's health. I just keep coming back to how insane that is.

I also wish to note again the many unemployed construction workers. Remember, I said 15 stadiums could be filled with unemployed construction workers. This is the number: 1.48 million construction industry workers unemployed. The unemployment rate is 17.7 percent among construction industry workers; whereas, the national unemployment rate is 8.3 percent. We know the housing sector is still having major problems getting out of the funk it is in. It is tough. So we have to do this bill.

I have a picture, just in case your mind's eye wasn't able to conjure it up. Here is a picture of a stadium filled with about 100,000 people. So 15 of these stadiums would basically reflect all the unemployed construction workers.

Which are the groups that are supporting us and are they bipartisan? Oh, my goodness. I don't think I could share with everyone a more bipartisan list of organizations than the AAA, the American Association of State Highway and Transit Officials, the American Bus Association, the American Concrete Pavement Association, the American Council of Engineering Companies, the American Highway Users Alliance, the American Moving & Storage Association, the American Public Transportation Association, the American Road and Transportation Builders Association, the American Society of Civil Engineers—and it goes on and on—the trucking association, the Metropolitan Transportation Organizations, Commercial Vehicle Safety Alliance, Governors Highway Safety Association, International Union of Operating Engineers, Motor & Equipment Manufacturers Association, National Asphalt Pavement Association, National Association of Development Organizations, U.S. Chamber of Commerce, National Stone, Sand & Gravel Association, National Construction Alliance.

Oh, it goes on. That is just a partial list of those 1,000-plus organizations.

When we started our bill the Presiding Officer will remember we made history because we had Richard Trumka, the head of the AFL–CIO, sitting next to Tom Donohue, the head of the U.S. Chamber of Commerce. Donohue and Trumka, the odd couple. They are fighting and arguing on everything. Yet they came together in front of our committee because they know we will all benefit. All of America benefits when we do a bill such as this.

I think I have shared a lot, but there is one more point. If we allow this bill to go away, and we are stuck with an extension because the transportation fund is not collecting enough gas tax revenues—and there is a good-news reason for that, which is we are getting better fuel economy and we are using public transit a lot more, so the gas tax is not coming in at the rate it normally does—we will be down 35 percent in the fund. So right away—right away—631,000 jobs are gone. But what is so great about our bill is that four committees, including the Finance Committee, filled the gap in a way that was bipartisan.

Our story is a great story to tell. If I had to tell my grandkids a story, I would say: Once upon a time in America, we didn't have a national road system. But a Republican President named Dwight Eisenhower had a vision. He was a general. He knew it was important to move things in a reliable way, and he had a vision of a national transportation system, and everybody in the country said: What a great idea. So we started to have a bill every few years to authorize a highway fund. Then somebody came up with the notion of it being funded by the users, so that the gas tax would go—part of it—to this fund and we would have enough in that fund to build our highways and our bridges, and then, later on, our transit systems. People said: We have a lot of wear and tear on the roads. What if a lot of people took public transit and got out of their cars? It would be better for the air quality. It would be better for everybody and for the state of the roads, and so they were married up, highways and transit and bridges.

Now we have to live up to that legacy and not bog this bill down with birth control amendments and women's health amendments and amendments

about Egypt or anything else. There is time for that. We don't mind those battles but not on this bill. Infrastructure is the name of the game. We all know it—Republicans and Democrats.

So I say, let's stop playing games with this bill, please. Let's dispose of this birth control amendment, this women's health amendment. It doesn't belong on here. But if that is what it takes to get us off dead center, fine, let's go. To coin OLYMPIA SNOWE's phrase, it will be polarizing. It will not be pretty, but we will dispose of that and then we will move on and dispose of this bill.

I hope we will not have to face 5, 10, 20, 30 unrelated amendments. I hope we can get it down to a small number and move on. Let's pass this bill, lift the workers and lift our businesses. Every dollar, almost—most of the dollars—goes straight to the private sector through our States, through our local entities.

Then let's hold our head up high when we go home. So when I go to the supermarket I don't have people coming to me and saying: What is going on over there? Birth control on a highway bill. What, are you kidding? I don't want to have those conversations every time I go to the supermarket. What are these guys thinking, they say. I say: I don't know. I can't speak for them. I think it is an agenda that appeals to the far right of this Nation. It is not a mainstream way to go.

In closing now, for those who say Republicans and Democrats never work together, that is not true. Senator INHOFE and I are as far away from each other politically as two human beings can get, but we teamed up and put aside our ideologies, put aside our pet peeves, put aside things that, perhaps in our hearts, we truly wanted to do on this bill, and we met in the middle. He was over here and I was over here and we ended up right in the middle. We said: We can do this, and we proved we could do it. It was a challenge that was put to us by the leadership of both our parties and we met that test and other committees met that test.

So here we are. Are we now to say to committee chairs and ranking members, Republicans and Democrats alike, forget about it? It is not worth it. Work your heart out.

I pay tribute to my staff, my Democratic staff, and to Senator INHOFE's Republican staff. They worked night after night after night to come together on this bill. Then we were given an assignment 2 weeks ago to resolve the germane amendments and they have come together and they have resolved I don't know how many but dozens of amendments. So is the message, work your little hearts out, have your staff give up their nights with their families and come up with a bipartisan bill and all of a sudden have it subjected to some polarizing amendments that have nothing to do with the subject?

Please, let's not see this bill go down. Because if this bill goes down, let me tell you, I, for one, will go to as many cities as I can and counties in this country and tell the truth about what happened. There is no reason for us not to get this done, especially when we have the Chamber of Commerce working with the AFL–CIO, we have Republican-leaning business organizations working with Democratic-leaning worker organizations all throughout this country—over 1,000 of them. I talk to them every week to say thank you to them for keeping the pressure on all of us to keep moving forward. When we have that kind of bipartisanship in our committees, when we have that type of bipartisan bill on the floor, when we have that type of bipartisan support in the country, it is time to move forward and get the job done for the American people.

I thank the Chair, and I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Madam President, I ask unanimous consent that the quorum calm be rescinded.

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

A SECOND OPINION

Mr. BARRASSO. Madam President, I come to the floor today as I do week after week to talk about the health care law and offer a doctor's second opinion about this health care law. I do that as someone who has practiced medicine in Wyoming, taking care of families across the Cowboy State for about a quarter of a century, and I do it today because we are now approaching the second anniversary of the President's health care law, and, as predicted by many on my side of the aisle, the negative results continue to roll in and billions of taxpayer dollars continue to roll out.

Each week we learn more about how this law is going to break another one of the President's promises. He made a lot of promises, one of which is he said it would not add a dime to the deficit. It is now clear that the White House and Democrats in Congress completely underestimated—possibly intentionally but certainly vocally underestimated—how much the President's new entitlement program is going to cost the American people.

I come week after week because NANCY PELOSI said, ''First you have to pass it before you get to find out what is in it.'' This past week a story came out that talks about the high-risk pools, designed and established to cover people who were not able to buy health insurance in the individual market prior to the health care law. The goal was admirable. The plan, though, they came out with was horrible.

First, the new Obama high-risk plans created more bureaucracy, more government, and undermined what States like mine, Wyoming, were already successfully doing.

Next, the White House and the Democrats who crammed this bill through Congress and down the throats of the American people set aside $5 billion for this program. The money was supposed to last, they said, until 2014—no problems. The bad news is that the Medicare's Chief Actuary, the official who actually tracks the spending that goes on as a result of this law, estimates now that the funding could run out much earlier than expected.

Last week the Washington Post explained how this could happen. It reported that ''medical costs for enrollees in the health-care law's high-risk insurance pools are expected to more than double initial predictions''—more than double the initial predictions by the Democrats who voted for this health care law. So the cost for enrollees are expected to be more than double what the White House and the Democrats predicted when they drafted the law, as the American people remember, behind closed doors.

The President promised this would be open—C–SPAN—people would be able to see the discussions and the debates. Everything was done behind closed doors. Yet our debt as a nation continues to skyrocket. It is completely unsustainable, and it is irresponsible. You know, it could have been prevented if the White House and Congress had just let the American people participate in the process.

So here we are, 2 years later, a second anniversary coming up of a health care law, a law that the American people are now learning what is in it because, as NANCY PELOSI said, ''First you have to pass it before you get to find out what is in it.''

The American people also know that this administration and this President and this Congress used about every budget trick and accounting gimmick in the book to turn it into law. They ignored the real costs, they ignored the red flags, and they ignored reality. Two years later, the American people understand that we cannot afford the high cost of the President's health care law and health care mandates. The longer it stays in place, the more expensive it will get.

That is one of the reasons Americans from both sides of the aisle are speaking out against this health care law. When I say both sides of the aisle, I want to talk about a recent USA TODAY/Gallup Poll. This was Monday's—Monday, February 27—USA TODAY, front-page story, right at the top: ''Health Care Law Hurts Obama.''

My concern is that the health care law is hurting the American people. That is what the impact of this law is. It is hurting the American people.

What the poll shows is that a clear majority of registered voters call the bill's passage ''a bad thing.'' They support its repeal if a Republican wins the White House in November.

Eleven percent of voters in battleground States have said the law has actually helped their families, but 15 percent say it has hurt them. Looking

ahead, they predict by a number of 42 percent to 20 percent, so two to one, that the law will make things worse rather than better for their families and for their lives.

Americans overwhelmingly believe the individual mandate, which is a key part of the Obama health care law, is unconstitutional, the mandate that every American must buy insurance. Americans believe it is unconstitutional by a margin of 72 percent to only 20 percent. An overwhelming number of Americans believe that what this Senate and the House, under Democratic control, and the President in the White House, Barack Obama, have forced on the American people—they believe, and I agree with them—is unconstitutional. Even a majority of Democrats and a majority of those who think the health care law is a good thing believe that provision—that people across the country be forced to buy health insurance or to buy any product—is unconstitutional.

Instead of heaping more debt on the backs of the American people, we need to repeal the law. We need to replace it with health care reform that allows Americans to have a bigger say, a patient-centered health care approach.

It is interesting. When you look at this USA TODAY article, there is a picture of a family, a father and mother and three children. Robert Hargrove of Sanford, NC, said: You have to have insurance or pay a penalty? ''That is not the way the country was set up.''

That tells the story I heard around the State of Wyoming last week as I traveled, as other Members traveled around their home communities, their home States. They remember the President's promises. He promised, No. 1, that the cost of insurance for families would go down. The President promised it would go down by $2,500 per family per year. That is not what the American people have seen in the last 2 years since it has been passed. They remember the President promising that if you like the care you have and the insurance you have, you can keep it. That is not what American families are finding. Broken promise after broken promise.

Now, with the Chief Actuary coming out this past week in the Washington Post, reporting that the high-risk pool is doubling the costs that were predicted—once again, the President promised that it would not add a dime to the deficit—another broken Obama promise.

Here we are. I go to townhall meetings, visit with people, and ask for a show of hands: How many of you believe that under the President's new health care law, your costs are going to go up? Every hand goes up. Obviously, they do not believe what the President has told them.

How many of you believe that as a result of the new health care law, actually the quality of your care and the availability of your care will go down? Again, every hand goes up.

It is not what the President promised the people of this country.

That is why, when the USA TODAY headline on Monday says ''Health Care Law Hurts Obama,'' my concern is that it is hurting the American people. People asked for health care reform in this country. What they asked for was the care they need, from the doctor they want, at a cost they can afford. This health care law has provided none of those things. This health care law is bad for patients, it is bad for providers—the nurses and the doctors who take care of those patients—and it is terrible for the American taxpayers. That is why I come to the floor week after week with a doctor's second opinion, saying it is time to replace this health care law with reforms that will put health care under the control of patients—not insurance companies, not government, but under the control of patients.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Massachusetts.

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

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

CROWDFUNDING

Mr. BROWN of Massachusetts. Good morning to you, Mr. President, and everybody in the gallery. I wanted to thank Majority Leader REID for highlighting next week's Banking Committee hearing on small business growth. It is something all of us have a very dear and great concern with. One of the issues that will be discussed is a concept called crowdfunding. People may be saying: What is crowdfunding? Well, if you ever wished that you had the opportunity to invest in a Facebook or a Google or new idea before they hit it big, wouldn't that be nice? We would all be multibillionaires. My Democratizing Access to Capital bill, S. 1791, would expand entrepreneurs' access to capital by democratizing access to startup investing so they can have the funds to grow and create jobs.

The House passed a crowdfunding bill 407 to 17. So you know they must be on to something when they can pass something in such a bipartisan manner. The President referenced it in his State of the Union. He supports crowdfunding, and public support for crowdfunding is, in fact, exploding.

On Monday I hosted a roundtable in Boston at City Hall on small business access to capital, and I listened to small business owners and entrepreneurs and investors to get their thoughts and concerns about business growth, about investing, about the access to capital, and it was a very successful event. They all had one thing to say and that was: If we can't get behind the bipartisan, commonsense idea of crowdfunding, then what can we actually agree upon and how can we expect small businesses to grow?

With such strong support, I believe we should put, once again, partisan politics aside and focus on what we can do to help small businesses as we have done with the 1099 fix, the 3-percent withholding, the Hire a Hero Act, the most recent insider trading STOCK Act. All of my bills, all the things I have worked on, we did in a bipartisan manner. When the leader let them come to the floor and allowed us to work them through, they passed 96 to 3 and 100 to 0. It shows that the Senate can work together regardless of our political differences, our geographical locations, our belief on where we are because we are Americans first. These are things the business communities are looking at to move our country forward.

Next Monday I am hosting a roundtable with an entity called Wefunder, a group of innovators who started a petition for my bill to discuss crowdfunding. Their petition currently has 2,500 supporters who would invest over $6 million today if businesses had the opportunity to participate in crowdfunding, but right now it is illegal.

My bill is a commonsense bill, and I want to note that Senator MERKLEY has also introduced a different crowdfunding bill. It is a good start, but we can do a little bit more. I have reached out to his staff, and I have asked my staff to continue to do that. So I think we can work together as Senator GILLIBRAND and I have, and Senator COCHRAN and Senator COLLINS worked on the recent insider trading bill. We can do the same with Senator MERKLEY if he is willing and if the leader allows us to put those political party differences aside and actually work on something for the benefit of our country.

Today I am going to talk about some important principles that I believe are critical to making crowdfunding legislation a success. For crowdfunding to actually work, we need a national framework, which my bill creates. If we require entrepreneurs to comply with every separate State securities law mandate, filing the appropriate paperwork alone would cost over $15,000. That is the reason we don't have this type of situation. In my bill we don't have small business owners being able to give up to $1,000 per person, up to $1 million to invest in that next new idea with minimal SEC filings and minimal secretary of state filings. It is something that makes sense. We should not be burdening our startup businesses, which is where the largest growth is in this country right now, with costly quarterly reporting requirements. We might as well go through the whole process of the full SEC filings. It is not appropriate, especially until they are fully off the ground.

The point of crowdfunding is to allow entrepreneurs to flourish, not to bog

them down in an avalanche of paperwork and bureaucracy and redtape. That is why we are in this mess somewhat, because of the overregulation, the continued regulatory and tax uncertainty when it comes to planning and growing businesses.

In addition, I believe our existing fraud laws are solid; we just need to enforce them. Exposing startup founders to new personal liability is not going to work. It will create a real wet blanket on everything we are trying to do here from thousands of investors who are investing only a maximum of $500 to $1,000 and to have them also put in a personal guarantee for a $500 investment. How does that make any sense whatsoever, a quarterly filing, a personal liability guarantee for a $500 investment? This makes no sense at all. This will cause investors to use crowdfunding only when there is no other option available and will leave them to switch out crowdfunding investors for venture capital firms at the first opportunity, therefore, I believe, stifling that crowdfunding opportunity.

There was a recent article I read in which Canada's Government is deeply concerned about us actually doing this because they are fearful that Canadian money will be flowing into the United States. Wouldn't it be nice for once to have money flowing into the United States on something that will actually create small business growth in our great country? So recognizing that investors need protection, my bill does require entrepreneurs to offer their securities through regulated crowdfunding intermediaries.

In addition, my bill requires intermediaries to facilitate communication between investors and the offerors. I believe Senator MERKLEY and I have the same concerns in this regard which I believe can be addressed without creating a private right of action. It is not necessary especially for the amount of money we are talking about and the new business growth opportunities we can actually stimulate.

Crowdfunding depends on small investments by many, which is why we must exempt crowdfunding securities from the 500 shareholder cap so we don't create additional redtape for startups. It makes total sense. Everyone talks about overregulation of small business and how that is hurting their growth. I see it, you see it where you live, Mr. President, and in legalizing—let me repeat—in legalizing crowdfunding I believe we can still provide for the appropriate level of regulation but also give small businesses the access to capital they so desperately need.

This is a home run all over the place, and once again I am very pleased the majority leader has taken an additional step to call for the hearing on crowdfunding. When he talked about this issue, he referenced Senator MERKLEY's bill. I also have a bill. So why don't we do it as we did it with the insider trading bill, the Hire a Hero, the 3-percent withholding, the 1099, the Arlington Cemetery bill? All of those things, when we were allowed to work in a truly bipartisan manner, we were able to get done. With all due respect, there is no Republican bill that is going to pass right now, and I know that shocks some people. There is no Democratic bill that is going to pass either. It needs to be a bipartisan, bicameral bill that the President is going to sign. That is what I offer, is that olive branch, that one good deed that begets another good deed and moves us forward to addressing our very real problems in a truly bipartisan manner as Americans first and not as Republicans or Democrats.

I would ask the majority leader to also include my bill when he is moving forward because otherwise I am fearful nothing will move forward. So I am looking forward to not only working with Senator MERKLEY but working with the majority leader and his team. When I was working on the insider trading bill, which was my bill and Senator GILLIBRAND's bill that we combined, we found that common ground. We worked together, we managed the floor, we had an open amendment process. Everybody walked out of here saying: That was nice. When was the last time we did that? Remember? That was unbelievable. Everyone had a role. Even Senator KIRK, who is recovering, had a role to play and it was good to see him. We can even do it in this bill.

Mr. President, I thank you for the time. I yield the floor at this time. I see that we have a speaker all ready to go as well.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 1520

Mr. WEBB. Mr. President, I ask unanimous consent that the time from 2 to 4 p.m. be equally divided, with Senator BLUNT or his designee in control of the first hour and the majority side controlling the second hour.

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

Mr. WEBB. Mr. President, I wish to say a few words today about the amendment that is being called the Blunt amendment, the purpose of which I will read from the amendment, to amend the Patient Protection and Affordable Care Act, to provide rights of conscience with regard to requirements for coverage of specific items and services.

I oppose this amendment, and I wish to be very clear today as to why I oppose this amendment. This is not a bill that attempts to address the necessary divide between church and state.

Let me say that a little more specifically. This is not an amendment that addresses the necessary divide between the establishment of religion or the free exercise thereof as outlined in the first amendment of our Constitution, which is a concept I care deeply about.

This amendment, by definition, attempts to widen the restrictions on our laws from the necessary divide between church and state into the unknown and often indefinable provinces of an individual's personal definition of conscience. The amendment is clear on this point. It is a preamble in which it lists its findings, talks repeatedly about the rights of conscience, not the separation of church and state. It invokes Thomas Jefferson's view of the rights of conscience against the enterprise of civil authority. It addresses the purported flaws of the current health care law in terms of governmental infringement on the rights of conscience of insurers, purchasers of insurance, planned sponsors, beneficiaries, and other stakeholders. It then mandates that the right to provide, purchase, or enroll in health care coverage must be consistent with the religious beliefs or the moral convictions of these stakeholders.

Again, let me be clear: This language goes well beyond the constitutional requirement of separation of church and state into the area of legislative discretion. Quite frankly, it would be the same thing as Congress saying that not only should religious establishments be exempted from taxation under the doctrine of separation of church and state, but also that anyone who has a moral objection that they can define to paying taxes should not be required to pay them either. There is a place for this type of conduct in our legal framework. It has a long history. It is called civil disobedience. The act of civil disobedience is protected by our Constitution, but the ramifications are not. Unless there are clear constitutional protections, legal accountability remains.

The effect of this amendment on its face would be that any stakeholder could decide to deny health care benefits to any individual on the very loose definition that to provide such care somehow would violate a personal definition of one's moral convictions. In other words, any provider could potentially deny a wide range of benefits to anybody.

This is a vaguely drafted and potentially harmful amendment. It is not about protecting religious institutions or protecting the clear objective and understandable parameters of religious belief. It should not be approved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I ask unanimous consent to speak as in morning business.

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

FARM LABOR

Mr. TESTER. Mr. President, I thank the Presiding Officer. I also thank the floor managers of the highway bill for allowing me a couple minutes and to let them know how appreciative I am of their efforts to move forward on an important piece of legislation—the highway legislation. Nothing creates jobs and makes our economy stronger in the long run than responsibly investing in our infrastructure. So I thank Senator BOXER and Senator

INHOFE for their good work and, hopefully, that good work will come to fruition very soon.

Last September, the Department of Labor published new child labor regulations. They would have the effect of restricting how young folks are able to work on farms. I am deeply concerned about these new rules which will keep teenagers from working on farms and ranches.

As the Senate's only working farmer, I know how important it is for young people to have the opportunity to work on farms and ranches. I am not alone in that belief. There are many folks here who understand the value of family farm agriculture. Growing up on the same farm that my grandparents homesteaded nearly a century ago—well, it was a century ago this year—my brothers and I were expected to bail the hay, pick rocks, feed the livestock, do field work, and the list goes on and on. That work ethic that was instilled in us as youngsters is a big part of my success today. It was that work ethic that built this Nation and that work ethic which I think is critical to the future of America. The skills young people learn from working on a family farm translate into a healthy work ethic that will serve them their entire lives, whether they choose to be in agriculture or in some other business.

Family farm agriculture is one of the foundations of this country, and irresponsibly regulating the ability of young people to fully experience and grow from it will be detrimental to this country's future. I know firsthand that agriculture is uniquely a family industry in the United States, in Montana, and throughout rural America. Young people are expected to help out on the family farm or ranch. That is part of the economics of family agriculture. For smaller farms and ranches to survive, it has to be everybody pitching in. By participating in production agriculture, young people learn the value of a day's work. They also learn that grain doesn't come from a box or vegetables don't come from a bag or meat doesn't come from a package. They truly get educated about where our food comes from while they build that work ethic.

These new rules get in the way of that education. That is because these rules were not written with a solid understanding of how family production agriculture works today. We are losing family farms every day in my hometown of Big Sandy, for example. In that community, I went to school with about 40 kids or so in my high school class. Today there are about 60 kids in the entire high school. That is because family farms are getting bigger, and there are fewer folks living in rural America. We ought to encourage beginning farmers and ranchers, preparing them to be our next generation of food producers in this country.

The proposed rules would expand restrictions on what duties teenagers can perform on farms, limiting them. Under these new rules, all animal operations would be off limits until a person reaches 16 years of age. That is a sad day, a missed opportunity, and a loss of an opportunity for our young folks to learn.

I am calling on the Department of Labor to withdraw this proposal as it applies to family farm agriculture and allow this country's youth to learn a solid work ethic. The common sense that goes with that work ethic is so critically important to our Nation's future.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Mr. VITTER. I thank the Chair.

(The remarks of Mr. VITTER pertaining to the introduction of S. 2138 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I would ask, what is the pending business before the Senate?

The PRESIDING OFFICER. The Blunt amendment No. 1520.

Mr. BAUCUS. Mr. President, I rise to object to the Blunt amendment. I believe this amendment is extreme and it would undermine the delicate balance between religious freedom and a woman's health. It would be a mistake. It goes too far. It would allow any employer to prevent a woman's access to mammograms, prenatal care, even vaccinations or any other form of preventive care. In Montana, my State, 62,000 women could lose access to preventive care. I am here to say that is wrong, and I am going to go to bat for them. I think a woman should decide for herself and her family what preventive care makes the most sense for her.

As Americans, we believe in individual liberties and equal access to health care. Current policy upholds those values. It preserves the integrity of a woman's freedom and the right to access all health care services. It protects the religious liberties that so many Americans, including myself, value. And that is why both faith-based and health communities support this policy—not the Blunt amendment but the current policy. The Blunt amendment would overturn this. It would allow any corporation or health plan to deny women and their families access to preventive health care for almost any reason. It is written so broadly that an employer or an insurance company could deny access to preventive care for virtually any reason. That is not right.

I urge my colleagues to vote against the Blunt amendment. I urge them to protect the health of all Americans. That includes our mothers, wives, sisters, and daughters in Montana and across the country.

In Montana, we are very proud to have sent the first woman to Congress—Ms. Jeannette Rankin—in 1916. We have a very strong tradition in our State of respecting women—women who are not only the hearts of our families but are also those providing the fabric of our communities. When we support women's health, we are supporting healthy communities that could be strong for our kids and our grandkids.

Let's uphold our values of liberty. Let women choose for themselves individually. It is their responsibility what preventive care they think makes the most sense for them. And let's treat all Americans fairly. Let's defend against discriminatory health insurance practices, and let's do so while protecting everyone's fundamental rights.

Mr. President, on another matter, I ask unanimous consent to speak as in morning business.

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

Mr. BAUCUS. In ''Common Sense,'' the American patriot Thomas Paine wrote in 1776 as follows:

> The landholder, the farmer, the manufacturer, the merchant, the tradesman, and every occupation, prospers by the aid which each receives from the other, and from the whole. Common interest regulates their concerns, and forms their law. Common interest produces common security.

In the 240 years since Paine's pamphlet helped define who we are as Americans, our transportation system has become the cornerstone of our common interest. There are few things under the Sun that are not impacted by our highways, our roads and bridges, and our transit systems, yet we can too easily take our network for granted.

A recent Rockefeller Foundation survey found that two-thirds of all respondents believe America should invest more in infrastructure. It is a common interest. That same survey found that two-thirds of all Americans believe they should not have to pay any more for this increase in infrastructure investment. That means we have to rise to the challenge in Congress to come up with a highway bill that invests in infrastructure without asking folks to pay more than their fair share.

According to the U.S. Chamber of Commerce Transportation Performance Index, we could lose nearly $340 billion in potential economic growth over the next 5 years if we do not pass a highway bill and provide the certainty our economy needs. Let me make that statement again. We could lose $340 billion in potential economic growth over the next 5 years if we do not pass a highway bill and provide the certainty our economy needs.

Our transportation system depends on substantial investments from the

Federal Government. This investment consistently yields a big return for American jobs. In my home State of Montana, the last highway bill created or sustained more than 18,000 good-paying jobs, and nationwide it put approximately 35,000 people to work for every $1 billion invested. So for every $1 billion invested, it created 35,000 jobs. These are not just statistics, these numbers represent families able to put food on the table. They are good jobs. These numbers represent small businesses able to attract new customers.

I know these types of investments work because I spent a day working alongside a road construction crew on Amsterdam Road in Bozeman. They showed me the ropes of running a road grader, a paver, and an excavator. I might say, the grader was really up to date. All I had to do was get in the grader, move forward, and it was guided by a GPS system that raised the blade, turned the blade, tilted the blade at exactly the right location, and it was a perfect line I made down that road, whereas if I had had to do it by myself, it would have been a mess. The GPS made it work. During the workday, I talked to about a dozen workers who said their families depended on the project for their livelihood. It was very impressive. Their work also had a major impact on the community because Amsterdam Road is one of the most traveled roads in the area.

Investing in our transportation infrastructure is investing in our families and our economy. It is an investment. It yields great returns. It pays dividends. This bill seeks to maintain that investment through 2013; that is, the underlying bill that is before us—not the Blunt amendment but the underlying bill. I would prefer a longer period of time in the underlying bill to provide greater certainty. We are already 2 years past due. We have had lots of extensions. We must work together now to get something done at least until the end of next year, and a 2-year bill provides the compromise we need to get there.

I have worked on this bill for about 4 years from the leadership perspective of two different Senate committees: the Environment and Public Works Committee, which provided the authorization for roads, highways, bridges, and various forms of nonmotorized transportation, and the Finance Committee, which provided the money so we can have the proceeds and the resources to pay for these highways.

From the perspective of investment, I can tell you firsthand that this bill specifically focuses on those programs that are truly in our shared national interest. It consolidates nearly 90 road programs down to approximately 30. Consolidating 90—lots of individual, separate programs that kind of divide our country, didn't bring us together—to 30—30 programs that rely on the highway trust fund.

This bill also focuses on dramatically improving our national capacity for data-gathering and data-sharing—desperately needed. We sought to enable States to address safety and mobility difficulties by seeing what solutions have worked in other States. More data will help them better answer those questions. For example, why in some States—my State of Montana—is the highway fatality rate 2½ times the national average? There are a lot of ideas, but what are the real reasons? We need data to find out.

This bill creates for the first time a dedicated freight program to address interstate commerce.

The bill extends a program called TIFIA. That is a lending program that leverages private sector investment, good investment, building roads and bridges. History tells us that every $1 we put in can leverage $30 in private sector investment.

This bill has no earmarks—no earmarks. Senators BOXER, INHOFE, VITTER, and I worked hard to achieve agreements, and I thank my colleagues who serve on the Environment and Public Works Committee for unanimously approving this bill and its reforms—unanimously.

I especially would like to applaud Chairman BOXER and Ranking Member INHOFE for their leadership. They worked very hard, and they worked together. Sometimes people think Washington can't work together. Let me tell you, I have watched these two people work very closely together. They were a team to get a highway bill here before the Senate.

Next, from the perspective of the Finance Committee, the bill provides the highway trust fund with sufficient funding to last at least until the end of fiscal year 2013. The highway trust fund simply does not bring in enough revenue from traditional funding sources, such as the fuel tax, to meet our national needs. As a result, Democrats and Republicans on the committee had to look elsewhere to ensure for the short term that we could maintain current levels of Federal investment. In the long term, we should use the opportunity to decide what we want for a transportation network in the 21st century. So we are going to pass this short-term bill, and while we are passing this short-term bill, we have to give a lot of thought to what we want to do for the long term. We should use that opportunity to decide what makes the most sense for the 21st century. Where we could apply unused fuel tax money that currently goes to the leaking underground storage tank trust fund surplus, the Finance Committee did so with support from Democrats and Republicans. And where we transferred money from the general fund to the highway trust fund, we sought to backfill the general fund by closing tax gaps or focusing on tax scofflaws.

It is important that we make sure the highway bill stays focused on supporting the economy. In Montana, our highways are our lifeblood. We are a highway State. We log a lot of hours at the wheel. It is a part of who we are. We are the fourth largest State in the Nation for land mass, but we have fewer residents than Rhode Island, the smallest State in size.

My friend the former Senator Mike Mansfield said in 1967:

> Montanans are formed by the vastness of a state whose mountains rise to 12,000 feet in granite massives, piled one upon another as though by some giant hand. To drive across the state is to journey, in distances, from Washington, DC, north to Toronto, or south to Florida. In area, we can accommodate Virginia, Maryland, Delaware, Pennsylvania and New York, and still have room for the District of Columbia. Yet, in all this vastness, we are . . . less than a million people.

A few weeks ago, we just tipped the needle on 1 million residents. I might say, I am not sure we are happy about that. Some of us want to be under 1 million in population and some kind of like 1 million. It is a big debate in our State: Should we be 1 million or less than 1 million? Nonetheless, we lack the population to make the necessary investments in Federal aid roads and interstates by ourselves, and we shouldn't have to do so. Montana alone could not support the Interstate Highway System—we couldn't do it—or the other national highways in our State. We don't have the people. With more than 10 million visitors annually and with the majority of our truck traffic originating and ending out of State, we rely on the Federal program with good reason: It is in our common interest—in the interest of Montana, in the interest of all those folks who transport freight across our State, and in the interest of people who want to visit Glacier Park or Yellowstone Park. It is in our common interest.

I am here to say that the more we keep our eye on the ball, with a transportation bill that keeps our common interests in mind, the more successful we will be.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

MIDWEST STORMS

Mr. DURBIN. Mr. President, overnight and early this morning parts of my home State of Illinois and our adjoining State of Missouri were pummeled by severe storms and tornadoes. While the total extent of the damage is not yet known, it is clear that southeastern Illinois was hit hard by at least one tornado and heavy storms. The

towns of Harrisburg in Saline County and Ridgway in Gallatin County have suffered terrible damage. Several people in Harrisburg have died as a result of these tornadoes. The earliest reports suggest 10 deaths. The exact number will not be known for some time. More than 100 other people in this area are reported to have suffered serious injury.

This is an indication of some of the damage and devastation in Harrisburg. Between 250 and 300 homes in nearby Gallatin County have also been damaged. An estimated 25 Harrisburg-area businesses are damaged or destroyed, including a Walmart and a strip mall that were hit by the tornado.

This next photograph is an indication of some of the terrible devastation that took place. Three bodies have been recovered from the field behind the Walmart, and survivors are still being pulled from the wreckage of the building. Most roads in Harrisburg have been closed. People are going door to door to check. The reports are positive in terms of the accountability.

The Harrisburg Hospital has received damage itself. Yet the personnel have done a heroic job in setting up triage stations throughout the hospital after this devastation. Hospital officials are asking that all nonemergency cases that are unrelated to the severe weather go to other hospitals. The hospitals are only taking in those who are injured and asking family members to wait outside because of the limited facilities available. Patients in the hospital's B wing, which suffered heavy damage, are being evacuated to Evansville, Indiana's Deaconess Hospital, which has called in all available staff.

The First Baptist Church in Harrisburg is being used as a shelter, and I am sure everyone in that community—a wonderful community in southern Illinois—is pitching in to give a helping hand. Harrisburg schools, obviously, are canceled for the week. Ridgway is nearby, and no one is being allowed to visit the town at this point. Between 50 and 60 homes in Gallatin County have been destroyed.

I have an early photograph of some of the scenes there that show the damage to this historic church. Historic St. Joseph Church, and at least one business, the Gallatin County Tin Shoppe, have been leveled by this tornado.

This last photograph is of the same church before the storm, which is an indication of what happened. This is an historic church which many of us are well aware of. It has served the Catholics in this community for many years.

Between 9,000 and 13,000 people are without electricity because of the storm damage. The Illinois Emergency Management Agency is hard at work clearing debris and roads. Governor Pat Quinn has activated a state emergency operations center to help with the damage, and he and Jonathan Monken of the Illinois Emergency Management Agency are on their way to the scene this afternoon.

My heart goes out to all of the people in Harrisburg who have lost loved ones. We are keeping in close contact with the people on the ground, working together with my colleague Senator MARK KIRK's office here in Washington. They share our concern for the devastation, damage, suffering, and death associated with this, and both Senator KIRK and I have extended to the State of Illinois our willingness to help in any way possible.

My thoughts are with the residents of these hard-hit towns, with the first responders, and the Red Cross volunteers who are always on the scene and who are working to assess the damage and help those who have been injured. Jonathan Monken had a conference call with many members of the Illinois congressional delegation a short time ago. He assures us that all requests for State and FEMA assistance are being met at this moment. We will continue to make the promise that that will be true in the future as well.

My staff and I are in contact with local officials, including Harrisburg Mayor Eric Gregg; the mayor of Ridgway, Becky Mitchell; State Senator Gary Forby; and State Representative Brandon Phelps. I, along with Senator MARK KIRK, am committed to help do everything possible to help communities respond to and help with this disaster.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Missouri.

Mr. BLUNT. Mr. President, my colleague, the Senator from Illinois, and I live in a part of the country where these terrible weather events—tornadoes and other things—are not unusual for us. But as Senator DURBIN has pointed out, we did have them last night in a number of places in southern Missouri, including Branson, the tourism strip, at one theater and one tourism location after another, as well as in Branson, Lebanon, Dallas County, and other places in southern Missouri. We had way too much experience with this last year.

As my friend has pointed out, the Federal Emergency Management people are quickly there. We had a year of experience with this, particularly after the Joplin tornado. They were terrific. We want to remember too the first responders are always our neighbors, and neighbors are coming forward to help families whose houses were lost and possessions were scattered, and even in this particular case where there are occasions where people are injured and lives have been lost as well.

Senator MCCASKILL and I join with Senator KIRK and Senator DURBIN in their efforts in this regard.

AMENDMENT NO. 1520

Mr. President, I ask unanimous consent to engage in a colloquy with my Republican colleagues for 60 minutes.

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

Mr. BLUNT. Mr. President, I wish to talk about an amendment that has had lots of attention. It is an amendment that I offered on the floor a couple of weeks ago. We weren't able—the leader didn't want to get to it at the time, but the majority leader brought it up for me yesterday, and I am glad he did. I am glad we are able to talk about it.

This is an amendment that would allow religious belief or moral conviction to be an important factor in whether people comply with new health care mandates. We have long had this exemption for hiring mandates. In fact, when I served in the House of Representatives, I had been the president of a Southern Baptist university and I understood the importance of these institutions, I thought, in maintaining their faith distinctions as part of why they provide education and health care and daycare and other things. So I have long been an advocate of the principle that the Supreme Court upheld a few weeks ago 9 to 0 that there is a difference in these faith-based institutions. Now that we have health care mandates being complied with by these institutions, all this amendment does is extend the same privilege to them and others who have a religious belief or a moral conviction so that they would be able to defend their moral conviction.

We don't do anything about the mandate itself. It is important to understand that the administration—this one or any other—if the Affordable Health Care Act is still in force, can issue all the mandates that the act would allow. In fact, if a person doesn't comply with those mandates, they would have the penalties that the act would allow. But the difference is if the government wouldn't recognize a person's religious belief or moral conviction, as I think they would likely do. For example, the archdiocese in Washington, DC, is saying this is something we have long held as a tenet of our faith that we don't believe should happen, we shouldn't be a part of, and we don't want it to be a part of the insurance policies of our schools, our hospitals. My guess is if we pass this amendment, without any question, the Justice Department would say, Well, you are certainly going to be able to defend that because that has been your belief for centuries, the belief of your faith.

This amendment doesn't mention any procedure of any kind. In fact, this morning we had a reporter call the office who said we can't find the word ''contraception'' in this amendment anywhere. How is this a vote on contraception? Of course we were able to say, as we have said for 4 days, the word ''contraception'' is not in there because this is not about a specific procedure, it is about a faith principle that the first amendment guarantees.

This exact language of religious belief or moral conviction was first used in 1973 in the Public Health Services Act. It was brought to the Senate floor by Senator Church from Idaho, who I

believe was considered one of the liberals of the Senate at the time, protecting health care providers from having to be involved in procedures they didn't agree with. It is part of the Legal Services Corporation limitation in 1974, the foreign aid funding limitation in 1986, the refusal to participate in executions or prosecutions of capital crimes in 1994, the vaccination bill wherein a person comes to this country as a nonresident and they don't want to have vaccinations that are otherwise required, they don't have to have them if they have a religious belief or moral conviction against them.

The list goes on and on: The Medicare and Medicaid Counseling Act, the Federal Employees Health Benefits Plan of 1998, the contraception coverage for federal employees in 1999, the DC contraception mandate in 2000, the United States Leadership Against AIDS Act in 2003.

Then this exact same language even more specifically has been in bills that weren't passed. In 1994, Senator Moynihan from New York brought a bill to the floor that Mrs. Clinton—later Senator Clinton, now Secretary Clinton—was very involved in, this 1994 health discussion. That bill said: Nothing in this title shall be construed to prevent any employer from contributing to the purchase of a standard benefits package which excludes coverage for abortion or other services if the employer objects to such services on the basis of religious belief or moral conviction.

This is Senator Moynihan less than 20 years ago in what was considered a liberal piece of legislation, putting what the country had thought since the beginning of government-paid health care was a natural part of every health care bill. In fact, the bill we are talking about that this amendment would impact is the first time the Federal Government has passed a health care bill that didn't include this language—the first time it didn't include this language. If one is not offended by the current mandate that some religions are, I think it is important to think of what one would be offended by. What in one's faith would be an offensive thing to be told one had to be a part of, and then imagine the government saying, no, a person has to be a part of that? Even if a person doesn't do it themselves, they have to pay for it, or they have to be sure that a person's employees, their associates, are a part of this thing that is offensive to that person because of religious belief or moral conviction.

Before I yield to my good friend Senator JOHANNS, who understands this issue so well, let me also say that, as I said, we didn't eliminate a mandate, so we can still have a mandate. The Federal Government can still come in and say: You are not offering these services so you have to pay a penalty, and then you have to go to court and prove that you have a long-held belief that this is wrong. The Court, in 1965, when this particular phrase became the boilerplate language for the law, said, You can't become a conscientious objector the day you get your draft notice, in essence; you have to have these two principles. You have to have a religious belief, a strong moral conviction, and you have to be able to go to court and prove that.

All of the fiction writers out there, in fundraising letters and otherwise, saying things such as women who have contraceptive services today wouldn't have them, of course that is not true. Of course that is not true. The women who have those services today either have them because they have found a way to pay for them themselves or they have an employer who is providing that as part of health care. That employer is not going to be able to turn around and say, I am not for that anymore because I object for some religious reason that I didn't have all the time I was providing it.

This is an important issue. It is a first amendment issue. It is an issue that group after group after group thinks violates the Religious Freedom Act—RFRA. There are six lawsuits already. I suspect they have a good chance of prevailing because it does exactly what the religious freedom law says you can't do and it needlessly forces people to participate in activities that are against their moral principles, their religious principles.

The circumstance in the country is we have 220 years of history on this. We have almost 50 years of history of government-paid health care for one group or another that always included an exemption such as this exemption. To not do this assumes that the government can make people do things that Thomas Jefferson and George Washington and others specifically said were among the rights we should defend the most vigorously; that we should hold the most dear; that we should not let a government interfere in these basic rights of conscience, a phrase of Thomas Jefferson when he wrote the New London Methodist in 1809. These rights of conscience are an area that we should not let the government get between the American people and their religious beliefs. Our laws since then, whether it is for hiring or in the case of any health care discussion, have always anticipated the protection of this first amendment right—not a specific thing but, again, if you are not offended by the things that some people are concerned about today, it is important to think about what you would be offended by, what your religious belief leads you to believe would be wrong and how you would feel if the government says now you have to be a part of that activity.

I wish to turn to my good friend from Nebraska who has been a real advocate in understanding the importance of the first amendment and the role it plays in our society.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNS. Mr. President, let me start this afternoon by thanking my colleague from Missouri for taking on this issue and putting this legislation together. Let me also thank my colleague for telling the real story of this legislation. It is critically important we understand the history that brings us here this afternoon and, ultimately, to a vote on this legislation I am proud to cosponsor.

My colleague just so ably pointed out that what has changed is, the Obama administration, working with our colleagues on the other side of the aisle, took this important language out of this health care legislation. For decades—for decades—this important protection was in legislation, and it was supported by Democrats, Republicans, Independents, liberals, conservatives. That was the history of our country until all of a sudden this change came about where that conscience protection was taken out of the health care legislation that was passed a couple years ago.

But let's look back even further in our history. The first freedom in our Bill of Rights is the liberty to exercise any religion we might choose, or for that matter not participate in any religion whatsoever. That is what this United States of America is based upon, this concept that we have the freedom to choose what faith we will belong to, what teachings we will follow, and, as I said, we have the choice to not participate at all, if we choose, in this country.

Yet the President and my colleagues from across the aisle want to force—want to force—religious institutions, for the first time in the history of our country, to violate their strong moral convictions. And they go even further. They want to somehow shroud this and veil it as a woman's health issue.

Let me set the record straight. This debate is not about that, as some would have us believe. It certainly is not about contraceptives. What this debate is about is fundamental to our freedom as citizens of this great country. It is religious liberty we are talking about.

It is an American issue that dates back to our very Founders who looked at the war they had just fought and said to themselves: We are never going to allow our country to force us to attend a certain church or to participate in a certain faith—not at all. And it was written in one of our most sacred documents, the Bill of Rights. Yet the President of the United States is trampling on this religious freedom and attempting to convince Americans that it is something else.

His power grab is forcing religious institutions to go against their deeply held beliefs. If they stay true to their beliefs, the Congressional Research Service reports these religious insurers and employers may face Federal fines of $100 per day per plan.

So let me give an example of how that will work in my State. For a self-insured institution such as Creighton University in Nebraska, a Jesuit institution—I happen to have graduated

from there—they have about 6,000 health care plans. So the cost to Creighton University in Omaha, NE, to exercise their religious liberty will be an annual pricetag of $24 million. That is the price of exercising their religious liberty in the President's world. Unbelievable.

Well, I went on the Internet. I ask unanimous consent to have printed in the RECORD an open letter to the President that is being signed by women all over this country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPEN LETTER TO PRESIDENT OBAMA, SECRETARY SEBELIUS AND MEMBERS OF CONGRESS

DON'T CLAIM TO SPEAK FOR ALL WOMEN

We are women who support the competing voice offered by Catholic institutions on matters of sex, marriage and family life. Most of us are Catholic, but some are not. We are Democrats, Republicans and Independents. Many, at some point in our careers, have worked for a Catholic institution. We are proud to have been part of the religious mission of that school, or hospital, or social service organization. We are proud to have been associated not only with the work Catholic institutions perform in the community—particularly for the most vulnerable—but also with the shared sense of purpose found among colleagues who chose their job because, in a religious institution, a job is always also a vocation.

Those currently invoking ''women's health'' in an attempt to shout down anyone who disagrees with forcing religious institutions or individuals to violate deeply held beliefs are more than a little mistaken, and more than a little dishonest Even setting aside their simplistic equation of ''costless'' birth control with ''equality,'' note that they have never responded to the large body of scholarly research indicating that many forms of contraception have serious side effects, or that some forms act at some times to destroy embryos, or that government contraceptive programs inevitably change the sex, dating and marriage markets in ways that lead to more empty sex, more non-marital births and more abortions. It is women who suffer disproportionately when these things happen.

No one speaks for all women on these issues. Those who purport to do so are simply attempting to deflect attention from the serious religious liberty issues currently at stake. Each of us, Catholic or not, is proud to stand with the Catholic Church and its rich, life-affirming teachings on sex, marriage and family life. We call on President Obama and our Representatives in Congress to allow religious institutions and individuals to continue to witness to their faiths in all their fullness.

HELEN M. ALVARÉ, JD,
Associate Professor of Law,
George Mason University (VA).
KIM DANIELS, JD,
Former Counsel,
Thomas More Law Center (MD).

Mr. JOHANNS. Women have signed this, and one of the things they say is, they are proud to work for institutions that contribute to their community.

Let me quote from that letter. They value ''the shared sense of purpose found among colleagues who choose their job because, in a religious institution, a job is . . . also a vocation.''

These women are Americans who believe this mandate by the Federal Government, interfering with religious liberty, is wrong.

I will wrap up my piece of this colloquy by again thanking the Senator from Missouri for his leadership in this area. The President has said he offered an accommodation. The accommodation is, woe, lo and behold, this is going to be free.

Now, I would like to know what legal authority he relies upon that the President could ever order anyone to offer a service or an item for free. He has no such authority. This is not the Soviet Union; this is the United States of America. We do not believe that for a moment. Of course we are going to be paying for this through our insurance premiums.

Well, my hope is we will read our Constitution and we will stand as a united front upholding religious freedom, which is being violated by this mandate.

I thank the Chair.

Mr. BLUNT. Mr. President, I thank my friend for those good additions to what we are talking about.

I might say, also, even if there is some accounting issue that makes this appear that maybe someone you are hiring is paying for it instead of you, if this is something you are opposed to for religious grounds, it is not about the cost; it is about the fact that this is something you do not believe you should be part of.

In my particular faith, the contraception part of this is not troublesome for me. But it does not mean I should be less troubled that it bothers others or that I should care less about their religious freedom than I do mine or that I should not care about the government using the heavy hand of these fines to force people to do something.

The other point I would like to make, before I go to my friend from Idaho, is, if the government chooses to fine people, people actually have to go to court and prove they have a deep religious belief. I do not think that would be very hard for Creighton University. The entire history of the university is founded on the principles of faith that would say: This is something we do not want to be part of. If that is the case, maybe that Justice Department would not take them to court or would not make them go to court rather than pay the fine. But they could. We are not saying that anybody can do anything they want to do. We are just creating a way that we can assert your first amendment rights if we choose to do that.

As the Governor of Idaho, Senator RISCH was responsible for lots of people who worked for the State of Idaho. He knows about this both from a faith perspective and an employer's perspective, and I am glad he came down to the floor.

Mr. RISCH. Mr. President, I thank the Senator very much.

Fellow Senators, I am going to speak briefly on this issue, and I thank those who have actually put this on the table for us to talk about.

Every single American should watch the debate on this issue. This debate strikes to the heart of the freedoms we as Americans enjoy. Why do we have these freedoms? We have them because in 1776 the people decided they were sick and tired of the King telling them they had to do this and they had to do that and had totally wiped out a number of freedoms they had—not the least of which was speech and religion.

We will remember, these people operated under a King who was so powerful—the Monarchy was so powerful, it established a religion and said: You must belong to this religion if you are a citizen of this country.

When we fought to be free of that, when we fought to be a free people, the Founding Fathers put together a document that specified very clearly the freedoms we would have.

We have come many years since then, but we will lose these freedoms if we do not guard them when even a little chip comes out of it. That is what they are doing here. Think about this for a minute. We have gotten to the point where this government has gotten so big and so powerful that it has said: Look, we do not care about what you believe in your religion because what we are doing is a good thing and, therefore, you must do what we are telling you because the ends justify the means—the means is to chip away at the religious freedoms we as Americans enjoy.

It is wrong. It is the way we lose our freedoms. If we turn our back and let a government do this to us, this is how we lose our freedoms.

This government is big. It is getting bigger by the day. It is getting more powerful by the day. When they sat around the table in 1776, they had just fought with a government that had been terribly oppressive. They argued amongst themselves: Well, what are we going to do? We are going to create a government.

They knew from a historical perspective, and they knew from their recent experience, that any government they create needed to be distrusted, needed to be watched, needed to have shackles on it because if they did not, that government would abuse them—just as every government had throughout history.

So that is why they drew the document we live under today, the Constitution we have. They not only gave us one government, they gave us three governments. They gave us a legislative branch, an executive branch, and a judicial branch—each with the duty to watch the other and beat the other over the head if, indeed, they got out of line. They were so afraid of a government that they did everything they possibly could to see that government did not abuse them.

Well, we learn frequently that their fears were well founded. Today we see, once again, their fears were well founded. What we have is a government that is saying: We do not care what your religious beliefs are; you must do what

we are telling you to do because we think it is the right thing to do regardless of your religious beliefs.

It is wrong. It has to be fought. It must be reversed.

I thank the Senator for bringing this issue to the attention of everyone.

I yield the floor.

Mr. BLUNT. Mr. President, I thank the Senator.

There are a number of waivers on this. The administration has given over 1,700 waivers to 4 million people. If you have a plan that is better than the government plan, if you have a plan that might be taxed under the law because it has been negotiated as part of collective bargaining, if you are a fast food institution that has insurance but, apparently, with high deductibles—those were all reasons to create a waiver. You would think that a faith-based belief would also be a reason that a waiver could have been granted.

This amendment just assures that we can have the same kind of opportunity to exercise our religious beliefs going forward as every American has in health care, in labor, in hiring, and other areas up until right now.

I would like to turn to my friend, the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I want to express my gratitude to the Senator from Missouri for his leadership on this issue.

This used to be a topic that was a bipartisan issue dating back to the passage of the Religious Freedom Restoration Act of 1993.

But just so people can refresh their memories, there have been a number of allusions made to the language of the Constitution. But let me just read the first amendment to the Constitution, part of our Bill of Rights, the fundamental law of the land that cannot be abridged or changed by a mere act of Congress, which is what we are concerned about; that the President's health care bill, the Affordable Care Act, so-called, purports to change the Constitution, which it cannot do. When there is a conflict between the Constitution and a law passed by Congress, that law falls as unconstitutional.

But the first amendment to the Constitution says:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . .

Let me repeat that:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof . . .

That is what we are talking about is the free exercise of religion. I agree with Senator RISCH that one of the biggest problems with this legislation, the President's health care bill, the so-called affordable care act, which we have came to learn is not so affordable, is that it forces each individual in this country to buy a government-approved product according to the dictates of Congress. That is one of the issues the Supreme Court will be ruling on, whether that is even within the scope of congressional power under the commerce clause.

But Senator RISCH makes a very good point; that is, the basic problem with this legislation generally is it is too big, it is too expensive, and it is too intrusive on the individual choices and freedoms of American citizens.

As I said, it used to be that religious freedom was a bipartisan issue. That is why I am so concerned this has turned into a purely partisan issue. It is very obvious to me that some of our colleagues on the floor believe they can make political hay by scaring people, by misleading people; that this is somehow about denying women access to contraception when that is not the issue.

This is about protecting our sacred constitutional freedoms. When I said religious freedom used to be a bipartisan issue, I was referring to the Religious Freedom Restoration Act of 1993. I think it is interesting to see who the sponsors were and people who were some of the principal proponents of the bill. That demonstrates it was bipartisan.

The lead sponsor in the House was Senator CHUCK SCHUMER, now a Member of the Senate. Cosponsors included then-Representative MARIA CANTWELL, now in the Senate; then-Representative BEN CARDIN, who is presiding today; and former Speaker NANCY PELOSI.

In the Senate it had 60 cosponsors. Ted Kennedy was the lead sponsor. We have heard Senator BROWN from Massachusetts saying the position he is taking on this issue of religious freedom is exactly the same position Senator Kennedy took during his lifetime. But 60 other Members of the Senate cosponsored this, including Senator BOXER, Senator FEINSTEIN, Senator KERRY, Senator LAUTENBERG, Senator LEAHY, Senator LEVIN, Senator MURRAY, and Senator REID, the majority leader of the Senate today.

It was signed into law by then-President Clinton, demonstrating that religious freedom was not a partisan issue, it was a bipartisan concern of Congress and the reason why this bipartisan legislation passed to protect religious freedom.

So similar to members of the Catholic Church who are concerned about being forced to provide coverage for surgical sterilization or drugs that induce abortions or other forms of contraception, members of the Muslim faith, if they are a woman, need not be concerned about restrictions on their ability or desire to wear a head scarf in public or in government buildings or dietary rules practiced by observant Jews or that Christians would not be somehow interfered with when it came to wearing religious symbols such as crosses or rosaries. This is not about those rules or those items of clothing or religious symbols, this is about religious freedom, over which Congress shall pass no law, under the words of our Constitution.

I am somewhat disappointed we now find ourselves—that the lines seem to have been drawn so sharply in a partisan way on an issue that used to enjoy such broad bipartisan support. It is my hope our colleagues will reconsider because it is not good for the country, it is not good for our Constitution, it is not good for the preservation of our liberties, for the very fundamental law of our land, the Bill of Rights, to become a partisan issue.

But if there is a fight, if there is a disagreement, I believe it is our responsibility to speak in defense of religious freedom and to remind our colleagues that Congress shall pass no law restricting religious freedom. That is what we are talking about.

I thank my colleague from Missouri for being the leader on this important amendment. I am pleased to have had the opportunity to voice the reasons for my support, and I hope our colleagues who are opposed to the amendment or have already publicly stated their opposition will reconsider.

Mr. BLUNT. I do too. I hope we find out now that while we do not have as much bipartisan support as we would like to have, we will have some. Senator BEN NELSON from Nebraska, along with Senator AYOTTE from New Hampshire and Senator RUBIO from Florida and I introduced this bill in August of last year. This is not just something we came up with recently.

Members who were in the Senate when the health care act, the affordable health care act passed, said they believed if it had passed in a more normal way, this would have been in the final bill, that would have been an understanding, as it was in the Patients' Bill of Rights draft and legislation that was introduced in 1994 or the health care bill in 1999. This same language was an accepted and bipartisan part of who we are as a country enforcing the first amendment.

In fact, in the Religious Freedom Restoration Act, it says: ''Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability.'' Even a rule that would generally apply, the government should not burden a person's exercise of religion unless it demonstrates a burden that it is in the furtherance of a compelling government interest.

I cannot imagine—nobody has had to do this ever before. Why would suddenly defining insurance policies beyond the faith beliefs of individuals and groups that were long held, why is that a sudden compelling government interest or it is the least restrictive means of furthering that government interest? Surely not.

Again, I am going to repeat for what may be the third or fourth time: We do not do anything in this amendment that would end the mandate. That is for another debate at another time. The government can still have a mandate. The government can still say: Here is what we are telling you a

health care plan has to look like. But this allows people who have a faith-based first amendment right to object to that to have a way to do it.

One of the original cosponsors of the bill; that is, the amendment we are debating today, has joined us and that is Senator AYOTTE from New Hampshire. She is an advocate of the first amendment, as a former attorney general. I am glad she is here.

Ms. AYOTTE. I thank the Senator. I appreciate the opportunity to be here to rise in support of the pending amendment that is based upon, as Senator BLUNT mentioned, a piece of legislation that was introduced on a bipartisan basis earlier in the year called the Respect for Rights of Conscience Act, which I was proud to cosponsor.

During the past few weeks, we have heard certainly impassioned arguments from both sides of the aisle about this issue. Certainly, it has been a robust and important exchange of views, which I have appreciated. However, I think it is regrettable that similar to so much else that happens around here, this issue has been used as an election-year tactic to score political points, and in some cases there have been the facts of what this amendment and our bill hope to accomplish have been supplanted by mischaracterizations and distortions.

That is unfortunate because what we are here to talk about is incredibly important. This is a fundamental matter of religious freedom and the proper role of our Federal Government. It is about who we are as Americans and renewing our commitment to the principles upon which this Nation was founded.

This debate comes down to the legacy left behind by our Founding Fathers and over 200 years of American history. We have a choice between being responsible stewards of their legacy, as reflected in the first amendment to the Constitution, or allowing the Federal Government to interfere in religious life in an unprecedented way. The first amendment to the Constitution starts with: ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.''

Just last month, we saw our Supreme Court unanimously uphold, under the establishment and free exercise clauses of our Constitution, a ruling in the Hosanna-Tabor case that the Federal Government may not infringe on the rights of religious institutions in their hiring practices. To do so, they ruled on a unanimous basis, would interfere with the internal governance of the church.

Protecting religious freedom and conscience rights has in the past been, as was mentioned here, a bipartisan issue. No less than Ted Kennedy himself, a liberal icon of the Senate, wrote in 2009 to the Pope: ''I believe in a conscience protection for Catholics in the health care field and will continue to advocate for it.''

Senator Kennedy had previously pushed for the inclusion of conscience protections in legislation he proposed in 1997 as well as in his Affordable Health Care for all Americans Act proposed in 1995. These are the same protections our amendment seeks to restore.

In 1994, provisions aimed at protecting conscience rights were included in the recommendations made by the Task Force on National Health Care Reform, led by then-First Lady Hillary Clinton. In 1993, when President Bill Clinton signed the bipartisan Religious Freedom Restoration Act into law, he said: ''The government should be held to a very high level of proof before it interferes with someone's free exercise of religion.''

Protecting religious freedoms was once an issue that bound Americans together. It certainly is a very important issue as we take the oath of office here to uphold the Constitution of the United States. I believe this effort which is so fundamental to our national character must bring us together once more on a bipartisan basis.

I would like to make one very important point about this amendment. Unfortunately, many have tried to characterize this amendment as denying women access to contraception. That is a red herring, and it is false. We are talking about government mandates that are interfering with conscience protections that have long been engrained in our law.

To be clear, women had access to these services before the President passed the Affordable Care Act, and after this amendment would be passed, they would still have access to these important services. Contrary to what some of my friends on the other side of the aisle have asserted, this measure simply allows health care providers and companies to have the same conscience rights they had before the President's health care bill took effect.

We are not breaking any new ground. In fact, we are respecting what is contained within our first amendment to the Constitution and what has long been a bipartisan effort to respect the conscience rights of all Americans, whatever their religious views are.

This vote goes to the heart of who we are. If we allow the government to dictate the coverage and plans paid for by religious institutions, that is the first step down a slippery slope. When religious liberty has been threatened in the past, Members of both sides of the aisle of Congress have taken action to preserve our country's cherished freedoms. We must do so again now or risk compromising a foundational American principle.

I hope my colleagues on both sides of the aisle will give this amendment careful consideration and appreciate that it is an amendment that will respect the conscience rights of all religions and will certainly not deny women access to services they need and deserve.

I appreciate the Senator having me here today. I hope my colleagues will support this important amendment.

Mr. BLUNT. I thank the Senator for her leadership and from the beginning of this discussion back in August when Senator AYOTTE, Senator RUBIO, Senator NELSON from Nebraska and I introduced this bill, we have been joined in this amendment by three dozen or more other sponsors, one of whom actually I mentioned a piece of legislation he was involved in the first time he was in the Senate. It protected the religious rights of people who were temporarily in the country, with exactly this same language, who might have some religious belief or moral conviction that meant they didn't want to get the vaccines we would require a visitor to have. In 1996 Senator COATS put this in a law that virtually every Member of the Senate serving today, in both parties, voted for, as they have time after time when this issue was brought up. This language was understood to be an important defense of the first amendment in a health care piece of legislation.

I am glad Senator COATS has joined us today. Whenever I researched this, I saw that he had used this very language 15 years ago in a piece of legislation. I know the Senator is an important advocate of religious freedom.

Mr. COATS. Mr. President, I thank the Senator from Missouri. I thank him also for his willingness to engage with this amendment, to put it in play here for us to debate and discuss. It is a very fundamental principle of our Constitution that is at stake, and it deserves debate, and it deserves this body putting their yea or nay on the line relative to how we are going to go forward. I commend him for his leadership, and I am pleased to join him, as well as many others, in this colloquy.

This is an issue that is as old as this Nation. We are all blessed to live in this Nation and are blessed by the wisdom of our Founding Fathers, guaranteeing our rights. The very first right they guaranteed in the Constitution was the right to religious freedom. Many of the earliest settlers came here because of that right and their desire to come to a country where their religious beliefs, tenets, and principles would be respected and honored, where they would not be dictated to by a government like they lived under before they came here, but it would be protected and preserved as a basic fundamental right. It was a transformational idea at the time. Yet, now for well more than 220 years or so, it has been maintained throughout the history of this country. It stands as a bulwark against government interference with personal beliefs and government trying to dictate how we exercise the religious freedoms we are all so privileged to have.

It has been said—and I want to repeat it—that the debate today is not about access to contraception. This is not about whether it is appropriate to use contraception. It is not about a woman's right to contraception. As a pro-life Christian and a Protestant, I am

not against contraception, but I also believe it is a decision individuals must make in accordance with their own faith and beliefs, not a decision to be made by the Federal Government.

What this is about is whether Congress is going to sit by and idly allow this administration to trample our freedom of religion—that core American principle—or whether we will stand and protect what our Founding Fathers put their lives on the line for and what millions of Americans today will defend. We cannot pick and choose when to adhere to the Constitution and when to cast it aside in order to achieve political prerogatives. We must consistently stand for our timeless constitutional principles. The debate that is taking place is a stand to protect an inalienable right, the right of conscience established in our Nation's founding days and sustained for over 200 years.

I regret that this issue has been reframed for political purposes into a woman's right to choose, to deny women the opportunity to exercise their right to make a choice. That is not what this is about at all. Yet some have said it has been so successfully reframed that, politically, those who defend this as a matter of religious conscience and freedom are on the losing side of the political argument. Well, we may be or we may not be. I think it is up to this body to decide that with a thorough debate and vote that puts our yeas and nays on the line.

Nevertheless, whether it is a winner or a loser politically, it is irrelevant to the argument. It should be irrelevant to the debate because this clearly is a fundamental principle of religious freedom that needs to be protected regardless of the political consequences. So those of us standing up to debate this are setting aside any kind of political risks, any advice that basically says: You don't want to touch this because it has been reframed in a way that the American people don't understand it. We are here to say that we stand to protect the liberties that are granted to us by our Constitution and, regardless of political consequences, we will continue to do that.

Mr. President, I again thank Senator BLUNT and all those who are willing to address this issue and trust that our colleagues will see this as a fundamental breach of a constitutional provision provided to us by the people who sacrificed their lives to do so.

I yield the floor.

Mr. BLUNT. I thank the Senator.

Mr. President, I want to go next to my neighbor in the Congress, and now my neighbor in the Senate, and my neighbor in real life from northwest Arkansas. I am from southwest Missouri. I am glad Senator BOOZMAN came down to discuss this issue.

Mr. BOOZMAN. Mr. President, I thank the Senator from Missouri, and I appreciate his hard work and his leadership in bringing this amendment forward.

President Obama's accommodation of religious liberty in his revised health care mandate covering contraceptives, sterilizations, and medicines causing abortion raises more questions than it answers. Perhaps the most troublesome part is that even with this revision, the President's mandate refuses to acknowledge that the Constitution guarantees conscience protections. He instead tries to run around them. You don't ''accommodate'' religious liberties, you respect them. That is why they are enshrined in the Constitution.

Those constitutional protections should prevent the President from trampling the conscience rights of Americans and religious institutions that hold a strong belief that contraceptives, sterilizations, and drugs causing abortion are wrong. Clearly, however, these constitutional protections are not enough. President Obama's ''accommodation'' shows that he considers conscience rights to be an inconvenience in his effort to remake America in his vision. That is why we need the Respect for Rights of Conscience Act. The Respect for Rights of Conscience Act—introduced by my colleague from Missouri, Senator ROY BLUNT—seeks to restore conscience protections that existed before President Obama's health care law. These are the same protections—and I think this is important—that have existed for more than 220 years, since the first amendment was ratified.

The amendment of the Senator from Missouri has been offered to the surface transportation act, and we expect to vote on it as early as tomorrow. The amendment's goal is commendable, and I look forward to supporting it. It is simply asking the President to respect the religious liberties of Americans.

Many longstanding Federal health care conscience laws protect conscientious objections to certain types of medical services. The President could have just as easily followed that course when he issued a mandate requiring almost all private health insurance policies—including those issued by religious institutions, such as hospitals, schools, and nonprofits—to cover sterilizations and contraceptives, including emergency contraceptives at no cost to policyholders, but he did not.

Now Congress must step up and protect the religious liberties of all Americans. We can do this by passing Senator BLUNT's amendment. I certainly encourage all of my colleagues to take a close look at this—this is so important—and restore the conscience protections we have always stood for as a nation. I commend the Senator from Missouri and look forward to supporting his amendment.

Mr. BLUNT. I thank the Senator.

Mr. President, let me conclude in the next few minutes by first saying that a growing list of groups support this amendment: Home School Legal Defense Association, Family Research Council, Southern Baptist Convention, Americans United for Life, American Center for Law and Justice, Susan B. Anthony List, Becket Fund for Religious Liberty, U.S. Conference of Catholic Bishops, Focus on the Family, Christian Medical Association, National Right to Life, National Association of Evangelicals, Orthodox Union of Jewish Congregations, Concerned Women for America, Eagle Forum, Religious Freedom Coalition, CatholicVote.org, American Family Association, Catholic Advocate, Traditional Values Coalition, Christus Medicus Foundation, Alliance Defense Fund, Christian Coalition, Advanced USA, American Association of Christian Schools, American Principles Project, Wallbuilders, Let Freedom Ring Liberty Consulting, Liberty Counsel Action, Free Congress Foundation, Council for Christian Colleges and Universities, Students for Life of America, Heritage Action, and there are others that are supporting this amendment.

We can go back to 1965 and a Supreme Court case where the determination of how a conscientious objection would be defined was clearly established in ways that led to this religious belief and moral conviction becoming the standard. It is not just something we came up with for this amendment, it has been the standard since that 1965 case. It said: These are the elements you have to have. You cannot suddenly decide you have a religious conviction. This is a conviction that has to be a provable part of who you are.

The Public Health Service Act in 1973, where Senator Church brought this language into the public health arena, is really the first major legislation after Medicare and the Medicaid discussion. There was also the Legal Services Corporation limitation, the foreign aid funding limitation, and the refusal to participate in executions or in prosecutions of capital crimes limitation. This language was good enough for those things, and almost every Member of the current Senate, if they were there then, voted for these, and since, including the action Senator COATS talked about earlier. The Medicare and Medicaid Counseling and Referral Act, the Federal Employees Health Benefits Plan, contraceptive coverage for Federal employees in 1999, the DC contraceptive mandate in 2000, and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act in 2003 all included this language. We had to get to the affordable health care act, which passed the Senate, and then suddenly it wasn't possible to go through the final process of legislating here. There was no conference committee, no House bill. My belief is that almost nobody who voted for that act originally thought that would be the final bill.

Frankly, I think that if we had ever had a more normal process, this normal element of protecting the first amendment would have been added, as it was every other time. This is about the first amendment. I understand the

fundraising ability to make it about something else. I understand the PR ability to make it about something else. But it is not about anything else.

A minute ago, we had three Protestants on the floor on the contraception issue who probably have no religious problem at all. There may be other elements I have problems with, but it doesn't matter if I have a problem. What matters is that I represent lots of people who do have a problem with it, and the Constitution is specifically designed to protect those strongly held religious views.

As Senator COATS said, it was the first thing in the first amendment. It was exact in its duplication in 1994 in the great health care effort made then, whether it was the protection of religious freedom or the Patients' Bill of Rights or the effort First Lady Clinton worked hard to do. This wasn't even really a debatable item then because everybody understood this was a necessary part of protecting the first amendment to the Constitution.

Again, I would say if these two or three things that are most objectionable to the Catholic community right now—and many of the people who are opposed to this are opposed to this because they wonder what they could be opposed to that the government would decide they had to participate in, they had to be a provider of, they had to pay the bill for. I would ask my colleagues to think of something in their religious view that they would not want to be forced by the government to be part of, and let's give all Americans that same capacity who have these strongly held religious beliefs.

I would encourage my colleagues to support the first amendment. I am grateful for those groups around the country that have rallied around the first amendment. Freedom of religion defines who we are and has defined who we are since the very beginning of constitutional government, where the first thing added to the Constitution was the Bill of Rights. And the first thing in the Bill of Rights is respect for religion. We need to not give that away just to prove that everybody has to do what the government says because the government knows best rather than our conscience and our personal views.

This is not about whether people provide health care or not, it is about whether they are required to provide elements of health care they believe are fundamentally wrong, and how the government can force people to do things they believe and have a provable religious conviction are fundamentally wrong.

Mr. President, I think we have used the hour we had, but this debate will go on. There will be a vote tomorrow, but this debate will go on until this important freedom is soundly protected in health care, in hiring, in all of the elements that create that faith distinctive in our individuals and institutions that make us uniquely who we are.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Maryland.

Mr. CARDIN. Mr. President, I had the opportunity to listen to my colleague from Missouri as he talked about his amendment. I know he is very sincere in his efforts to protect the first amendment, and if that is what this amendment was about, he would have my support. But let me try to go over the amendment and put in context how it is drafted, because this amendment goes well beyond that.

I would agree with my colleague that the genesis of this amendment was because of contraceptive services and the request from religious institutions not to have to provide coverage for those services. The amendment we have before us, however, would allow an employer—any employer—or any insurance company to deny essential medical services coverage based upon a religious or moral objection. So the concern with this amendment is that it would allow any employer in this country to deny coverage of essential medical services in the plan that employer provides. And that could cover women's health care issues; it could cover contraceptive issues, mammography screenings, prenatal screenings, cervical cancer screenings. An employer could very well say, I am against the moral issue concerning providing that coverage.

I don't believe the historical interpretations my colleague went through apply to those types of circumstances. This amendment would go well beyond one particular service and would cover any medical service. In fact, it says if an employer or insurance plan had any religious or moral objection to a service it can choose to exclude that service from the essential benefit package or the preventive services provisions of the Affordable Care Act. Yes, it would affect women's health care. There is no question about that. It would also affect the health care of men and of children.

The Affordable Care Act guarantees that all plans offered in the individual small group market must cover a minimum set of essential health benefits, including maternity and newborn care; pediatric services, including oral and vision care; rehabilitative services and devices; and mental health and substance use disorder services, including behavioral health treatment.

Under the Blunt amendment, any employer could say, look, I don't want to cover rehabilitative services, for whatever reason—I have a moral objection to it—and they could exclude that service. Preventive care would be at risk, prenatal care would be at risk, life-saving immunization could be at risk, developmental screening, mental health assessments, and hearing and vision tests. Any employer could make it a judgment not to cover any one of those services. Any insurance company could, based upon a ''moral objection.'' That is a very broad standard.

That is why pediatricians and advocates for children across the Nation oppose it. The American Academy of Pediatrics, the American Congress of Obstetricians oppose it, the Association of Maternal and Child Health Programs, the Children's Dental Health Project, Easter Seals, Genetic Alliance, the March of Dimes, and the National Association of Pediatric Nurse Practitioners oppose it. These are not political groups, these are health care groups. They know this amendment could put at risk what we were attempting to achieve in the Affordable Care Act, and that is to make sure we have coverage for essential health services for all the people in this country.

Well, what if an employer could say, I don't want to cover preventive services based on a moral objection? That could happen. This amendment would allow employers to decline to offer life-saving screenings for prostate cancer screenings by simply citing a moral objection, even though one in six men in the United States will be diagnosed with prostate cancer during their lifetime. Last year, 33,000 Americans died from prostate cancer.

An employer who claims a moral objection to cigarette smoking could, under the Blunt amendment, deny employees coverage for smoking cessation programs or treatment for lung cancer. I have a moral objection to smoking; I am not going to cover in my health care plans treatment for lung cancer. More people die from lung cancer than any other type of cancer. More than 200,000 people are diagnosed with lung cancer each year and more than 150,000 die from it. Last year, 85,000 were men.

An employer who claims a moral objection to alcohol consumption could, under the Blunt amendment, deny coverage for substance abuse or rehabilitation or for medical treatment for liver disease, if it is found to be the result of alcohol abuse.

Nowhere in the Affordable Care Act does it stipulate any American must take advantage of the expanded preventive health services. Here is where we have an agreement. We have an agreement that we are not trying to tell anyone what they have to do. I have been a defender of the first amendment my entire legislative career. If you have a religious objection to this, then don't use the services. Nowhere in the Affordable Care Act does it require a woman to use contraception or a man to have cancer screening or a child to receive well-baby visits. What the Affordable Care Act requires is that every American have access to these services so they can decide for themselves, with the advice of their physician, whether they are appropriate and healthy to utilize. If the Blunt amendment were used by employers to deny access to care, we are denying the people in this country the right to make that choice themselves.

I agree it is not just contraceptive services, it is the choice to be able to have preventive services—to take care

of your children, to have the screenings for early detection of cancer or to have treatment for serious diseases. All that could be put at risk. The Affordable Care Act views health care as a right, not a privilege, and it expands the freedoms available to American workers and their families rather than limits them.

I understand the intentions may be very pure. And if we want to have a resolution saying we support the first amendment, you will have all of us in agreement on that. But when you say you are using that to remove from the Affordable Care Act the essential health coverage for services that I think all of us agree should be available to every person in this country, to make a decision whether he or she wants that health care, then this amendment could be used to deny them that ability to get that health care. Whether it is women's health care issues, which was the genesis of this amendment originally, in the debate we had a couple of weeks ago, or whether it is the care of our children or the care of each American, this amendment puts that at risk by allowing an individual employer or insurance company to make a decision to eliminate essential health service coverage. I don't believe we want to do that, and I urge my colleagues to reject the Blunt amendment.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I rise today to talk about the attack on women's health care that has been taking place over the last few weeks. There has been a heated debate in Washington about access to contraception for all women, regardless of her employer. There is a fundamental question here: Do women get control over their health care or do a small handful of people—the presidents of companies and the presidents of insurance companies—get to choose for a woman whether she has access to birth control?

First, I think it is important to note that 98 percent of all women have relied on contraception at some point in their lives. The nonpartisan scientists and experts at the Institute of Medicine who first recommended covering contraception without a copay did so because there are tremendous health benefits that come from use. But now some in this Chamber are holding up this transportation bill, a bill that would create more than 1 million jobs across the country and 7,000 jobs in Oregon, because, apparently, it is a higher priority to take away women's health choices, to come between a woman and her doctor.

How is this relevant to a transportation bill? The answer: It is not. But regardless, we are going to vote on an amendment to this bill that would allow those CEOs of companies and insurance companies the right to refuse coverage not just of contraception but of any health care service they consider in violation of their personal convictions. So the personal convictions of one will be imposed on the dozens or hundreds of thousands of employees of that company. That is an incredible philosophy.

I wish one of my Republican colleagues was on the floor to have a little conversation about it, because I would simply ask the question: Please explain why you think that the CEO of a company should get to come between a woman and her doctor and choose what health care she has access to.

We talk a lot about big government. Well, this is big government. This is big government, giving power to an individual who runs a company, making choices for dozens or hundreds or thousands of their employees. Not only are we talking about contraception but any health care service.

A company CEO could deny access to HIV or AIDS treatment, to mammograms, to cancer screenings, to maternity care, to blood transfusions. The list goes on and on.

The Blunt amendment would allow an employer who objected to premarital sex to deny an unmarried pregnant woman maternity care. Is that right, that an employer should make that choice for all the employees who work for him or her? The Blunt amendment would allow an employer to deny children of employees access to vaccines because the CEO has a conviction that the vaccine poses a risk. Is that right, that the leader of a company should make that decision for Americans, coming between them and their doctors? The Blunt amendment would deny all health coverage if a CEO believes that physical health problems are simply God's will. That is the imposition of one's religion on those who work for you, making it their religious requirement. That is not the way the Constitution is designed. The Constitution is designed to allow us to all follow our own course, not to impose our course on everyone else through an employment relationship.

The Blunt amendment would allow a CEO to say we are not going to cover end-of-life care because, in that conviction of that CEO—whether it be a man or a woman, the CEO believes that such end-of-life care is interfering with God's will. The Blunt amendment would allow an employer to deny access of folks who suffer from obesity to health care-related obesity programs because they believe that obesity comes from a moral failing.

I think we can all understand with these examples that this is simply wrong—simply wrong—that a CEO should be able to take their personal convictions and impose them on their employees.

This amendment is just the latest in a litany of extraordinary and extreme efforts by my Republican colleagues to curtail women's access to health care services. In the last year alone, Republicans nearly shut down the government over Planned Parenthood, tried to eliminate title X funding for low-income women's health, and tried to take away preventive services such as cancer screenings for women because of ideological objections.

What this amendment is all about is that a few powerful CEOs dictate health coverage for the rest of America. If this, giving the powerful few the ability to dictate coverage for everyone else, isn't an overreach by an overly intrusive government, I don't know what is.

Some have said that blocking women's coverage of contraception through their insurance doesn't affect access. They say that contraception doesn't cost that much; that, in the words of one Republican House Member, there is not one person who has not ever been able to afford contraception because of the price. Well, tell that to our young women between age 18 and age 34 who actually know what contraception costs. More than half of women struggle to afford it at some point. Tell that to a young couple struggling to figure out how they can afford to buy their birth control and put food on the table for their children. Tell that to a college student deciding whether to buy textbooks or fill her prescription. The truth is, contraception is hugely expensive without insurance. Based on information compiled by the Center for American Progress, the cost to an average woman using birth control pills continuously between age 18 and menopause would be more than $66,000 over the course of her lifetime if she had to pay out of pocket.

I think this point bears reinforcement, because I would never have imagined that that is the price of birth control. I think the House Member I was quoting probably had no idea of what contraception costs, $66,000 for a woman between the age of 18 and menopause. Where I come from, that is a lot of money. A lot of money. That is 5.5 years of groceries for a family of four. That is putting two kids through the University of Oregon with 4-year degrees, not including the cost of room and board. That is a downpayment on a nice family home. In fact, where I come from, that is a third of the price of a nice family home. I think a lot of families would wish they had extra cash in their pockets right now. And I certainly have heard from many women in Oregon who are extremely concerned about the impact this amendment would have on their pocketbooks and on their health.

Therese from Washington County writes to me:

> As one of your constituents, and a practicing Catholic woman on birth control, I am urging you to please back up the President on this most recent decision requiring contraception coverage for all of their employees . . .

There are many, many reasons women use the pill in addition to preventing pregnancy. I have issues with pre-menopause. There are lots of women I know who have heavy periods, horrible acne, endometriosis, debilitating cramps . . . the list goes on. And to not treat these ailments because the treatment also prevents pregnancy is to allow women to suffer.

Bridget from Multnomah County writes:

This amendment does not protect religious freedom. Rather, it empowers insurance companies and businesses to impose their religious views on their employees and the insured. It is an example of government intrusion into the personal lives of millions of women who would prefer to privately make their own choice about family planning, without politicians interfering.

It is incredibly, vitally important to me that you do not support this amendment. I happily attended a Catholic college and cannot imagine what I would have done had I found out that my health insurance did not cover birth control. . . . This would be a disastrous decision.

It is not Congress's job, it is not an employer's job, to impose our beliefs on others. Let's let women and families make their own health care decisions without the heavy hand of government intrusion being provided from my colleagues across the aisle. Let's not put government between women and their doctors or between men and their doctors or between families and their doctors.

I am committed to fighting for women's health and will do whatever I can to defeat this amendment—this amendment, which is so wrong on health care and so wrong on imposing religious views of one or personal convictions of one on the many.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am pleased to join Senator MERKLEY, the Presiding Officer, and the others of my colleagues who will come to the floor this afternoon to speak out against the Blunt amendment.

Over the past year, we have come to the floor many times to speak out against the attacks on women's health. Since this Congress began, we have seen assaults on Planned Parenthood, on Federal funding for family planning and on contraception. But now we are facing the Blunt amendment which is even more extreme and far reaching than we have seen in all those other attempts to politicize women's health.

This proposal would affect health care not just for women but for all Americans. It will affect the care of our children, of our husbands, and our wives. In short, the Blunt amendment would let your boss make your health care decisions instead of you and your doctor. The amendment would empower corporations or any other employer to deny virtually any preventive or essential health service to any American based on any religious or moral objection. I would point out that in the bill, religious and moral objections are not defined. So it can be whatever anybody interprets it to mean.

Under the amendment, an employer could claim a moral or religious basis in order to deny things such as coverage for HIV/AIDS screenings or counseling, prenatal care for single mothers, mammograms, vaccinations for children, or even screenings for diabetes if the employer claims a moral objection to a perceived unhealthy lifestyle.

While this amendment could affect men, women, and children, make no mistake; at the most fundamental level, this debate is about a woman's access to contraception. Supporters of the amendment want to turn back the clock on women's health. They want to deny women access to preventive health services.

Birth control is something most women use sometime in their lifetime, and it is something that the medical community believes is essential to the health of a woman and her family. I would point out the decision that the Blunt amendment claims to be addressing is one that was made not for political reasons but for medical reasons by the Institute of Medicine, and it was made because contraception is important to women's health. It prevents unintended pregnancies. The United States has the highest rate of unintended pregnancy in the developed world. Approximately one-half of all pregnancies here in America are unintended. Contraception can help women and families address this.

Access to birth control is directly linked to declines in maternal and infant mortality. In fact, the National Commission to Prevent Infant Mortality has estimated that 10 percent of infant deaths could be prevented if all pregnancies were planned.

For some 1.5 million women, birth control pills are not used for contraception but for medical reasons. As the Presiding Officer pointed out in that poignant letter from your constituents who pointed out all of the reasons that women could take contraceptives, it could reduce the risk of some cancers, and it is linked to overall good health outcomes.

As Governor of New Hampshire, I was proud to sign a law back in 1999 that requires health care plans to cover contraception. At that time, we heard little controversy, little uproar, virtually no concerns about religious exemptions to the law. The bill in New Hampshire back in 1999 passed the Republican-led State legislature with overwhelming bipartisan support. In fact, in the House, almost as many Republicans voted for the bill as Democrats. I think that was because it was understood by people on both sides of the aisle of all religious faiths that requiring contraceptive coverage was about women's health and it was about basic health care coverage.

For 12 years, that law in New Hampshire has been in place with little opposition because it has worked. And it is particularly unfortunate, as we are having this debate about women's health, thinking about what happened back in New Hampshire, to see this debate become so politicized. It is not right. It is not what is the best interest of women's health, and I urge my colleagues to oppose the Blunt amendment.

The decision about a woman's health care should be between her, her doctor, her family, and her faith. Let's not turn back the clock on women's access to health care.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from California.

Mrs. BOXER. Mr. President, do we have a specific order here for speaking?

The PRESIDING OFFICER. The Democrats currently have 30 minutes of time.

Mrs. BOXER. Mr. President, I am on the floor here today, as I was earlier, to talk about the dangers of this Blunt amendment.

Senator BLUNT says it has nothing to do with providing health care to women; it has nothing to do with that. It is just about freedom of religion, he says. Well, as many people say, when someone comes up to you and says it is not about the money, it is about the money. And when someone says it is not about access to women's health, it is about religious freedom, it is about access to women's health care. Why do I say that? Because that is what this debate is all about. And we see it all over the country with rightwing Republicans trying to take away women's health care. Why are they trying to do this? You would have to ask them. But we are here to say no.

The thing about the Blunt amendment is, it would not only say that any insurer or any employer for any reason could stop women from getting access to contraception; it could also stop all of our families from getting access to essential health care services and preventive health care services.

Why do I say that? Let's take a look at the Blunt amendment. Enough of this chatter. Let's take a look at it. Here is what it says: A health care plan shall not be considered to have failed to provide the essential health care benefits package described in our law or preventive health care services described in our law if they exercise what they call a moral objection.

So say someone has a moral objection to someone who has smoked, and the person wants to give up smoking and they want to get a smoking cessation program as part of their insurance. If the insurer says, That is your fault, you are not getting it; or someone may have diabetes and the employer or the insurer says, You know what? That was your problem. You ate too much sugar as a kid. Too bad.

That is what the Blunt amendment does and that is a fact. Here it is. I placed it here because this is the amendment. That is what it says.

I wish to show a list of preventive services and essential health care services that the Blunt amendment threatens. Remember, the Blunt amendment says there is a new clause that now says any insurer or any employer can deny any one of these benefits: emergency services, hospitalization, maternity and newborn care, mental health treatment, pediatric services, rehabilitative services—that is just some.

Here is the list of the preventive health care benefits that any insurer or any employer could deny: breast cancer screenings, cervical cancer, hepatitis A and B vaccines, yes—contraception, HIV screening, autism screening, hearing screening for newborns.

This is the list. Why do I show this list? Particularly because I know the Senator served on the HELP Committee and helped put this together. This is the list of services that was put together by the expert physicians in the Institute of Medicine, this list, preventive health care, and this list, essential health benefits.

I was stunned to come on the floor and hear Senator AYOTTE invoke the name of our dear colleague and our dearly missed colleague, Ted Kennedy. She tried to imply that he would support the Blunt amendment.

She is not the first Republican to do it. I am calling on my Republican friends to stop right now because there are several reasons why they are wrong to do that. First of all, Ted Kennedy, in one of his last acts, voted for the health care bill. He voted for the health care bill that came out of the HELP Committee. He helped to write the preventive section. He helped to write the essential health benefits section. He would never ever—as his son has said—support the Blunt amendment that would say to every employer in this country if they don't feel like offering any of these, they don't have to.

He fought hard for these. He wouldn't give an exception to an insurance company or a nonreligious employer, never.

How else do I know that to be the case? I ask unanimous consent to have printed in the RECORD a list of bills that Senator Kennedy cosponsored.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 766, Equity in Prescription Insurance and Contraceptive Coverage Act of 1997.

S. 1200, Equity in Prescription Insurance and Contraceptive Coverage Act of 1999.

S. 104, Equity in Prescription Insurance and Contraceptive Coverage Act of 2001.

S. 1396, Equity in Prescription Insurance and Contraceptive Coverage Act of 2003.

S. 1214, Equity in Prescription Insurance and Contraceptive Coverage Act of 2005.

S. 21, Prevention First Act (110th Congress).

S. 21, Prevention First Act (111th Congress).

Mrs. BOXER. What are these bills? These are bills that called for equity for women to get contraceptive coverage. If they were given other coverage, they had the right to get contraceptive coverage. Ted Kennedy was a leader. He is a cosponsor on all these bills. Do you know for how many years? Thirteen years. For thirteen years, Ted Kennedy fought for women to get access to contraceptive coverage in their insurance.

I say to my Republican friends, don't come to the floor and invoke the name of our dear colleague. I was so proud that the first thing I did when I came to the Senate, he asked me if I would help him work on a bill to protect people who were going to clinics, women's clinics, who were being harassed at the clinic door. You know what. I worked it for him. I helped him on the floor, and I was so proud we won that. Now there is a safety zone for women when they go to a clinic for their health care, their reproductive health care. That was Ted Kennedy.

Yes, Ted Kennedy supported a conscience clause—we all do, and President Obama has taken care of that. He has stated clearly in his compromise that if you are a religious institution, you do not have to offer birth control coverage. If you are a religiously affiliated institution, you don't have to cover it directly but you do indirectly. That was a Solomon-like decision by our President. But that is not enough for my Republican colleagues. They have to fight about everything.

I ask unanimous consent also to have printed in the RECORD the letter Patrick Kennedy wrote to Senator BROWN.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 26, 2012.

Hon. SCOTT BROWN,
Suite 100, 337 Summer Street,
Boston, Massachusetts.

DEAR SENATOR BROWN: In your current radio ad and in many news reports, I hear you claim my father would have joined you in supporting an extreme proposal now before the U.S. Senate that threatens health care coverage for women and everyone. Your claims are misleading and untrue.

Providing health care to every American was the work of my father's life. The Blunt Amendment you are supporting is an attack on that cause.

My father believed that health care providers should be allowed a conscience exemption from performing any service that conflicted with their faith. That's what was in his 1995 law and what he referenced to the Pope. That is completely different than the broad language of the Blunt Amendment that will allow any employer, or even an insurance company, to use vague moral objections as an excuse to refuse to provide health care coverage. My father never would have supported this extreme legislation.

You are entitled to your own opinions, of course, but I ask that, moving forward, you do not confuse my father's positions with your own. I appreciate the past respect you have expressed for his legacy, but misstating his positions is no way to honor his life's work.

I respectfully request that you immediately stop broadcast of this radio ad and from citing my father any further.

Sincerely,

PATRICK J. KENNEDY.

Mrs. BOXER. In that letter, he said: ''You are entitled to your own opinions but I ask that, moving forward, you do not confuse my father's position with your own.''

He said: ''I appreciate the past respect you have expressed for his legacy, but misstating his positions is no way to honor his life's work.''

I ask my colleagues in this debate, come and state their own views, but don't misstate the views of a dear departed colleague who for 13 years supported a woman's right to have access to contraception.

I think people watching this today have to be a bit confused because when they look up at the screen it says we are on a transportation bill. Indeed we are. Indeed we have been on it for almost 3 weeks now. I say to my colleagues who know the importance of this bill: Please, let us get to it. Let us get to the heart of the matter. We have a huge unemployment rate among construction workers. The unemployed construction workers could fill 15 Super Bowl stadiums. That is how many are unemployed. We need to get to this bill.

It is important to our businesses. It is important to our workers. It is important to our communities. It is important for our safety. It is important to fix the bridges and the highways. It is important to carry out the vision of Republican President Dwight Eisenhower, who said it was key that we be able to move people and goods through our great Nation.

When OLYMPIA SNOWE, our very respected colleague from Maine, told us yesterday she would not seek reelection, she said it was because there is so much polarization here. I said this morning, this bill is exhibit 1. Here we have an underlying bill that came out of four committees in a bipartisan way. It means we can save 1.8 million jobs, create up to 1 million new jobs, and guess what. The first amendment is birth control, women's health, an attack on women's health. We have to come to the floor and stand on our feet and fight back.

You know what. I am proud to do it. I am proud of the men and women who have stood on this floor and have come to press conferences and been on conference calls fighting for women's rights. But this issue was decided a long time ago. We know access to contraception is critical for people. A full 15 percent of women who use it use it to fight debilitating monthly pain or to make sure tumors do not grow any larger or for severe skin conditions, and the rest use it to plan their families.

When families are planned do you know what happens? The babies are healthier. The families are ready. Abortions go down in number. It is a win-win. We all know that and I always thought we could reach across the aisle and work together to make sure there was family planning. But today just proves the opposite, our colleagues on the other side, the Republicans, are bound and determined to go after women's health.

I stand opposing the Blunt amendment, thanking my colleagues for their eloquence, and hoping we can dispose of it, defeat it, and get back to our Transportation bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to oppose the Blunt amendment which simply goes way too far. The President has struck the right balance in his decision to address religious institutions' concerns when it comes to providing women's health services, but this amendment gives all employers shockingly broad discretion to make moral decisions for their employees, fundamental decisions about some of the most personal issues an individual faces—the health care needs of themselves and their families, a woman's decision about contraception and family planning, decisions about whether their child gets a blood transfusion for deadly disease, decisions regarding the use of prescription drugs, decisions on who to treat and how to treat them—based entirely on an employer's moral views, not an individual's moral beliefs.

The bottom line is health services should not be provided at the moral discretion of an employer but on the medical determination of the employee and their doctor. According to the Department of Health and Human Services, 1.7 million New Jerseyans, almost 500,000 children, over 600,000 women and over 600,000 men benefit from the expanded preventive service coverage from their private insurers that we created under the law: screenings for colon cancer, mammograms for women, well child visits, flu shots, a host of other routine procedures. All these could be taken away under this proposed amendment should their employer determine it is against their personal beliefs or convictions.

Every day, millions of Americans who are worried about a health condition go to see their doctor. Millions of women go for necessary screening and access to legal medical procedures. Their doctor evaluates their condition and recommends a course of treatment and that can range from simple preventive measures, such as exercise and diet, to a prescription drug regimen, to major surgery. The last thing a woman or her doctor should have to concern themselves with is whether their employer will deem their medical treatment to be immoral based on their employer's personal beliefs, regardless of their own beliefs or needs. The last thing they need is to be denied coverage by an employer who would be allowed, under this amendment, to effectively practice a form of morality medicine that has nothing to do with accepted medical science or the affected individual's personal beliefs.

Under the language of this amendment, that is exactly what would happen. It would allow employers simply to deny coverage based on a particular religious doctrine or moral belief, regardless of the science, medical evidence or the legality of the prescribed treatment. Put simply, we expect our health insurers, no matter where we work, no matter what our faith, to cover basic benefits and necessary medical procedures recommended by our doctor and then we as individuals should have the right to decide which of those benefits we use based on our own personal beliefs, our medical diagnosis, and our treatment options. Just because one person makes one decision or holds one belief doesn't mean someone else will do the same. That is what freedom is all about.

The arbitrary denial of coverage based on anything other than good science and rational medical therapy was the driving force behind the need for health care reforms that ensured that if one paid their premiums, they would be covered, freeing families from having to choose between putting food on the table, paying their mortgage or using their savings to pay for medical treatment because an insurer, based on their own rules, refused to cover them.

With this amendment, we are turning back the clock and allowing the arbitrary denial of coverage based on someone else's sense of morality. That is not what America is about. It is not what freedom of religion is about.

In a system predicated on employer-based health insurance coverage, in which workers often forgo other benefits such as wage increases in exchange for coverage, it is vitally important to ensure families can count on their coverage to provide the treatments and benefits they need. We can continue doing so, as we have for many years, while respecting people's personal moral beliefs.

Supporters of this amendment claim it is about protecting religious freedom. They are wrong. Supporters of this amendment claim that recent regulations guaranteeing a woman's access to preventive health care services is a governmental overreach. They are wrong. What supporters of this amendment are actually trying to accomplish has nothing to do with either of those issues. It has to do with trying to dismantle heath care reform to score cheap political points and throw America's mothers, daughters, and sisters under the bus in the process.

This amendment is not about religious freedom. The President rightly addressed that concern with a recent compromise he announced for religious institutions. No, it is about allowing morality-based medicine to deny coverage for neonatal care for unwed women, to deny access to lifesaving vaccines for children, to refuse to cover medications for HIV and other sexually transmitted diseases or even deny coverage for diabetes or hypertension because of an unhealthy lifestyle. The scope of this amendment is unlimited.

If it were truly about religious freedom or about contraceptives, then why have so many nationally respected organizations that have nothing to do with birth control, reproductive issues or religion, such as the Easter Seals, the March of Dimes, the Spina Bifida Association, come out in such strong opposition? The answer is simple, because the amendment isn't about birth control and it isn't about religious freedom. The amendment is about fundamentally undermining our system of patient protections, especially for women, and leads us backward to a time when insurance companies and employers could play life-or-death games with insurance coverage. Supporters of this amendment will stop at nothing to undermine the progress made thanks to health care reform, progress that says insurance companies can no longer deny coverage because of a preexisting condition, can no longer impose arbitrary caps on the coverage you can receive or cancel a policy because of a diagnosis they deem too expensive to cover. In my view, it is shameful that they are using women's health and access to vital preventive services as a scapegoat for a larger anti-health agenda. Any attempt to say otherwise is wrong.

Let me close by saying to allow any employer the ability to deny any service for any reason is doing a disservice to the people we represent. We would be turning the Constitution on its head to favor a morality-based medical decision over good science and over the relationship between a patient and their doctor. This is an incredibly overreaching amendment with radical consequences, and I urge my colleagues to oppose it and preserve the progress we made on trying to level the playing field for workers and patients in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to thank the distinguished Senator from New Jersey for his remarks, and most particularly for the remarks of my friend and colleague from California. She has fought this fight along with the dean of our women, Senator MIKULSKI, year after year and time after time.

Before I speak about the Blunt amendment, I wanted to express that the retirement or announced perspective retirement of Senator OLYMPIA SNOWE is, for me, a heartbreak. I have regarded her as one of the most impressive Senators in our body. She still has many good years ahead of her. I have had the pleasure of working with her on a number of bills. Most importantly, we did really the only fuel economy improvement that had been done in 20 years in the 10-over-10 bill. What is interesting about it is it was a bipartisan bill and it got passed thanks to Senator Ted Stevens who was Vice-Chairman of the Commerce Committee at the time and it was put in his bill. So it was really quite wonderful to see that happen.

This is my 20th year here, along with my friend and colleague Senator

BOXER, and over the last 10 years what I have seen is more and more attacks on women and women's health, stemming largely from the abortion debates, but not only that. We have fought—and Senator MIKULSKI has led the way—for equal pay, we have fought against discrimination, attacks on Title X Family Planning grants, attempts to defund Planned Parenthood, and attempts to limit access to preventive health care such as contraception. These attacks to limit a woman's right to make her own reproductive health care choices have now escalated to an unprecedented level. I am not going to go into the specifics of some of them, but trust me, I never thought I would see people in public office put forward some of the bills out there. I believe strongly that all women should have access to comprehensive reproductive care, and should be able to decide for themselves how to use that care regardless of where they work or what insurance they have.

The other side of the aisle has tried to take away access not only to contraception but also primary and preventive screenings for low-income women that are provided by the Title X Family Planning program and by Planned Parenthood. Title X programs serve over 5 million Americans nationwide, Planned Parenthood almost 3 million. They are not minor, they are major, and for many individuals it is their only source of care. And now here we are defending not just women's rights but the rights of all Americans to have access to essential and preventive health care benefits.

I strongly oppose this latest attack in the form of the Blunt amendment, and I join my colleagues on the floor to speak about the harm that this amendment will do.

I think it was stated by Senator MENENDEZ that the amendment is vague. In its vagueness it becomes a predicate for any provider, employer, or insurer to decline to provide to cover a myriad of health care benefits simply on the basis of religious beliefs or moral conviction. There is no statement in the legislation as to what the religious belief or moral conviction has to be, when it begins, or when it ends. It is an excuse as to why they do not want to do something.

What does this mean? Well, what it means in reality is 20 million women could be denied any preventive health care benefits, including contraception, mammograms, prenatal screenings, and cervical cancer screenings. In addition, 14 million children—and this is right—could be denied, under this Blunt amendment, access to recommended preventive services including routine immunizations, necessary preventive health screenings for infants, and developmental screenings.

In my State alone an estimated 6.2 million individuals—2.3 women, 1.6 million children, and 2 million men—could be denied access to the preventive health services afforded to them by the health reform law, which incidentally is four typewritten pages, single spaced, a list of preventive health services. This debate is not about religious freedom. It is about allowing providers and employers the right to deny access to care for autism screening, STD and cancer screenings, and well-baby exams for any reason. All they have to say is they have a moral concern with it, that their conscience bothers them.

For instance, any employer could refuse to cover screening for type 2 diabetes because of moral objections to a perceived unhealthy lifestyle. A health plan could refuse to cover maternity coverage for an interracial couple because they have a religious or moral objection to such a relationship. The only thing this amendment does is protect the right to deny. It doesn't give anything. It allows denial. It does nothing to protect the rights of employees to access fundamental health care.

The radical wing of the Republican Party does not speak for most of the women in this country. About 100 organizations nationwide oppose this amendment, including the National Partnership for Women and Families, National Physicians Alliance, Human Rights Campaign, and the American Public Health Association.

Earlier we heard from an intensive care nurse who had worked 37 years in intensive care in a Boston hospital who said people get the best care essentially when the politicians stay away, and I believe that. I have heard to date—and I am sure Senator BOXER has heard from a similar number—from 11,500 constituents in my State, Senator BOXER's State, who oppose this amendment and have grave concerns about its implications. I don't need to tell the women in this body that we have had to fight for our rights. No one has given women anything without a fight. We had to fight for our right to inherit property, our right to go to college, our right to vote, and for the last 10 years, the right to control our own reproductive systems. We will continue to fight the Blunt amendment and other attempts to roll back the clock.

I urge my colleagues to think carefully about the long-reaching implications of this amendment and oppose it. Senator BOXER shared with me a letter, and she indicated that she had read one part of it. I wish to read another part of it. This is a letter from Patrick Kennedy to SCOTT BROWN, and I want to read this paragraph because it involves someone everybody on this floor knows sat right over there at that desk for years and was known as the lion of the Senate. When he stood on his feet, everyone listened. Here is what Patrick Kennedy said:

> My father believed that health care providers should be allowed a conscience exemption from performing any service that conflicted with their faith. That's what was in his 1995 law and what he referenced to the Pope. That is completely different than the broad language of the Blunt amendment that will allow any employer, or even an insurance company, to use vague moral objections as an excuse to refuse to provide health care coverage. My father never would have supported this extreme legislation.

It is signed Patrick Kennedy, and I believe Senator BOXER put the letter in the RECORD so anyone who wishes to see the whole letter has access to it. But I hope this amendment is defeated on the floor.

I see the distinguished Senator from the neighboring State, Maryland, the dean of the women, is on the floor.

I will yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Thank you very much, Mr. President.

Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The majority has 1½ minutes remaining.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to extend the time on the Democratic side for 15 minutes.

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

Ms. MIKULSKI. Thank you very much. I want to thank my colleagues who have spoken on this amendment, particularly those who oppose the amendment.

I come to the floor today with sadness in my heart. I come because over the weekend one of our Maryland National Guards was killed in Afghanistan. He was one of two men working in a building in which he was attacked by someone he trusted at the Interior Service, and it appears that he was assassinated. I talked to his widow. We are sad. We are sad that somebody who went to defend freedom was killed in such a terrible way.

I am sad because last night I spoke to a dear friend of mine whose husband is very ill from the ravages of brain cancer, and we remembered so many good times we had together, but those good times don't seem possible in the future. I want so much for her to be with her husband and not think about the consequences of costs and so on.

Last night we learned that our very dear friend and colleague, Senator OLYMPIA SNOWE, is going to retire not because she is tired but because she is sick and tired of the partisanship. Senator SNOWE is not tired. She is sick and tired of the partisanship. And you know what. So am I.

We have a highway bill here. We have an unemployment problem. We could solve America's problems and get it rolling again, and if we pass the highway bill—with the appropriate debate on amendments germane to the bill—we could do it. So I am really sad.

I am sad that I have to come to the floor to debate an amendment that has no relevance to the highway bill. And I am sad because we are so tied up in partisan politics and scoring political points that we don't look at how we can get our troops out of Afghanistan. How can we make sure we have a budget that can fund the cure for cancer and at the same time make sure any

family hit by that dreaded C word doesn't go bankrupt during care?

I am devastated that a dear friend and extraordinary public servant is so fed up with how toxic we have become that she chooses not to run for office again. So I want to be serious, and therefore you need to know I am really sad about this, but I also am frustrated about this. So I want to talk about this Blunt amendment because we have heard nothing but mythology, smokescreens, and politics masquerading as morality all day long.

Let me tell you what the Blunt amendment is not. It is not about religious organizations providing health care and the government saying what the benefits should be. It is not about affiliated religious organizations and the government saying what the service is to be. This amendment is about nonreligious insurance companies and nonreligious employers. It is about secular insurance companies and it is about secular employers. The Blunt amendment allows that any—any—health insurer or employer can deny coverage for any health service they choose based on something called religious beliefs and moral convictions.

Now, there is a body of knowledge that defines religious beliefs, but what is a moral conviction? That is not doctrine. That is a person's personal opinion. A moral conviction, no matter how heartfelt, no matter how sincere, no matter how fully based upon ethical principles, is still a person's personal opinion. So we are going to allow the personal opinions of insurance companies and the personal opinions of employers to determine what health care a person gets. What happened to doctors? What happened to the definition of essential health care? So this is not about religious freedom; this is not about religious liberty because it is not even about religious institutions. So let's get real clear on this Blunt amendment.

This amendment is politics masquerading as morality. Make no mistake. The politics is rooted in wanting to derail and dismember the Affordable Care Act and our preventive health care amendment.

So what the Blunt amendment does, as I said, is allow any insurer or any employer to deny coverage based on religious beliefs or moral convictions. Well, what that essentially means is this: Let's look at examples. If an employer has a conviction, a personal opinion, against smoking, they can refuse to cover treatment for lung cancer or emphysema. If an employer has a personal opinion that they call a moral conviction that doesn't approve of drinking alcohol, they can refuse to cover any program for alcohol treatment or substance abuse.

Let's say there is an employer who doesn't believe in divorce and they say: I will not cover health care for anybody who is divorced because I have a moral conviction against that. Suppose a person says—there are some schools of thought that say: I have a moral conviction that a woman can only see a woman doctor, and I will not cover anything where she is seen by a male physician. Where are we heading? These are not ridiculous examples. It puts the personal opinion of employers and insurers over the practice of medicine.

This is outrageous. This is vague. It is going to end up with all kinds of lawsuits—let's speak about lawsuits. While some have been pounding their chests talking about religious freedom and the Constitution, what is also in the Blunt amendment is this whole idea that gives employers access to Federal courts if they believe they can't exercise the amendment. This is a new lawyers full employment bill.

I am shocked because the other party is always trashing lawyers. They are always trashing the trial lawyers associations. Now they have created a whole new right—or an opportunity—for Federal court action, clogging the courts on this particular issue.

This is why Americans are so fed up. They want us to focus on health care. They want us to focus on how to lead better lives.

Let me talk about how we got here in the first place. Do my colleagues remember why we had health reform legislation? I remember because it still exists: 42 million Americans are uninsured; 42 million Americans are uninsured for health care.

This is the fifth anniversary of a little boy in Prince George's County who died because he could not have access to dental care. His infection was so bad, so severe, and there was nobody to see him. His mother was too poor to be able to pay for it. That little boy, in the shadow of the Capitol of the United States, died.

Now, that is why we work for the Affordable Care Act. People can call it ObamaCare. I don't care what people call it. I call it an opportunity for the American people to get what a great democratic society should provide.

Then, we not only looked at what was uninsured, we also looked at the issues around women. Senator STABENOW held a hearing, and I held a hearing, and guess what we found. Women pay more for their health insurance than men of equal age and equal health status. Nobody said that is a social justice issue. Well, I have a moral conviction about that. I have a really deeply felt moral conviction that if you are a woman, you shouldn't be discriminated against by your insurance company.

We also found that women were denied health care because of preexisting conditions. We found that in eight States, if a person was a victim of domestic violence, they were doubly abused—not only by their spouse, but they couldn't get insurance coverage because they said the cost of physical and mental health care would be too much. Well, I had a moral conviction. I had a moral conviction that if you are a victim of domestic violence, you shouldn't be denied health care. I had a real strong moral conviction about that.

Then, during my hearing, I heard a bone-chilling story. It wasn't just me; it was all who attended. There was a woman who testified that she had a medically mandated C-section. Then she was told by her insurance company, in writing, that she had to get sterilized in order to receive health insurance. The insurance company was mandating sterilization for her to get coverage. I nearly went off my chair.

At that hearing there was a representative of the insurance company. They had no moral reaction to that. They had no moral reaction to that. I had a reaction. I had a really big one. That is why we got the amendments we did, where you could not deny health care on the basis of preexisting conditions. So I have a lot of moral convictions about this: that in the United States of America no child should die because of the absence of health care; no woman should be discriminated against in the health care system; and, at the same time, a person needs to be able to have the opportunity to get the services their doctor says they need.

The other thing on our agenda was to not only save lives, but to save money, and we knew that prevention was the way to go. I came to the floor and offered the preventive health amendment. It was a great day. Many women spoke for it. It was primarily oriented toward women, but it was going to cover men as well. It was going to make sure that early detection and early screening would save lives. We spoke about the necessity for mammograms. We spoke about the necessity for screening for diabetes and heart disease and the kinds of things that, if detected early, could save lives. That bipartisan amendment passed.

Then, after it was passed, and after the bill passed, the Secretary of Health and Human Services said: Preventive benefits should be defined not by politicians and not by a bureaucrat at HHS but by the medical community. So she requested the Institute of Medicine to define the preventive health care benefit. The preventive benefits we are talking about that Senator BLUNT says an employer doesn't have to provide came from the Institute of Medicine. It didn't come from the Congress. It didn't come from bureaucracy at HHS. It came from a learned, prestigious society that we turn to—the Institute of Medicine. This is what they said are the essential preventive services that would save lives as well as save money.

So this is where this came from. Now, some are on the floor saying: If you have a moral conviction against what the Institute of Medicine says is an essential benefit, you could go ahead and do it. Again, we are not talking about religious institutions who are employers; we are not talking about religious-affiliated institutions; we are talking about nonreligious institutions.

Ordinarily I would call this amendment folly, but this is a masquerade. I think it is just one more excuse to opt out of the Affordable Care Act. It is one more excuse to opt out of ObamaCare. They want to opt out, but I think it is a cop-out, and we have to stop masquerading that this is about morality or the first amendment or someone's religious beliefs.

So I hope we defeat this Blunt amendment. Most of all, I wish we could get back to talking about the serious issues affecting the American people. I am going to bring those troops home. I sure want to find that cure for cancer and help come up with the resources so we can do it. I am going to be sure that no little boy ever goes through what Deamonte Driver and his family had to suffer.

Let's defeat the Blunt amendment. Let's get back to the highway bill. Let's get America rolling—and how about let's start functioning as an institution that focuses on civility and finding the sensible center that America has been known for in other years when we had the ability to govern.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from California.

Mrs. BOXER. Madam President, before the Senator from Maryland leaves the floor, I think it is an opportunity to thank her so much for speaking the truth today on the floor of the Senate—just the facts—and what the Blunt amendment is about and isn't about. Also, I watched her recite the history of trying to bring preventive care and essential health care benefits to our people, realizing that she was in that pivotal position in the HELP Committee.

I remember her looking at me one day—because we are very close friends; we are not on that particular committee together—and she said to me: Senator Kennedy asked me—I just get the chills when I think of it—to take on this issue of prevention and work with TOM HARKIN and Chris Dodd and step to the plate on these essential benefits and on preventive benefits. She literally raised this issue, particularly on the prevention side—I don't know if the Presiding Officer remembers—in caucuses, on the floor, in the committee, at press conferences, that we could have a new day in health care in this country because although we spend more than any country in the world, we are not getting the same results because we haven't invested in prevention.

As she said, it is not up to politicians to decide what prevention should look like; it is up to the doctors. Under the Senator's leadership and that of Senators HARKIN and Dodd and all the wonderful members of the HELP Committee, as well as the Finance Committee—and, yes, Ted Kennedy in the background because he was quite ill, but he sent his messages, and his staff helped—they came up with a list of essential health care services that nobody could ever quarrel with. They also came up with a list of preventive health care services that were so critical to all of us, particularly to women. The great news: Proving to us that when we invest in prevention, we save so much down the line. We all know this is a fact.

Access to contraception, by the way, was put on the list not by politicians but by the Institute of Medicine because it is known that if the individual chooses that route to plan their families, that means we have fewer abortions and it means we will have healthier families, healthier babies. And many people take the birth control pill as medicine to prevent debilitating monthly pain. It is prescribed for skin diseases. It is prescribed to make sure cysts on ovaries do not keep growing and growing and possibly lose an ovary.

But what has happened—and I guess I want to ask my friend one question before she leaves—is that the Blunt amendment would say that anybody, for any reason, any day, could cancel out that whole list of preventive and essential health care services that she fought so hard for.

So when they say this is about religious freedom, no, no, no; that has been taken care of by our President. In terms of any provider that is religious or religiously affiliated, they do not have to provide contraception directly. Even Catholic Charities' response was ''We are hopeful that this is a step in the right direction . . . '', the Catholic Health Association supports the compromise, and so on. So I want to ask my friend, is she aware that when Congressman ISSA held a hearing on women's health care, there was not one woman on the panel, on that first panel? Did she see those photos of that panel that was called to speak on women's health?

Ms. MIKULSKI. Oh, I sure did, and it was deja vu all over again, I say to my colleague from California, because it was like the Anita Hill hearings. The Senator remembers what happened there.

Mrs. BOXER. Yes, I do.

Ms. MIKULSKI. During that time, there was not one woman on the Judiciary Committee.

Mrs. BOXER. Absolutely.

Ms. MIKULSKI. This is not new. The discrimination against women has been around a long time. I consider discrimination against women one of the great social justice issues, whether you are a secular humanist or you have core beliefs in an organized religion.

I found not only the picture appalling, but I want to reiterate what we have been saying here: There is a systematic war against women. We do not get equal pay for equal work. We are often devalued in the workplace. We worry more about parking lot slots for our cars than childcare slots for our children. Then, when it comes to health care, what was so great about the preventive amendment was, first of all, we talked not only about family planning, where women could have the children they knew they could care for, but we talked about prenatal care. We talked about making sure our children had the opportunity for viability and survivability at birth.

So, yes, it was both a picture of us not being included, but it shows we need to be able to fight to be heard. The issue is, women's voices are not being heard, and I am saying today the voices of women are being heard and the voices of good men who support us. I am telling you—not you, Senator BOXER, but I am saying out loud—if this Blunt amendment passes, I believe the voices of women will be heard. They will be heard on the Internet. They will be heard in streets and communities. Most of all, they will be heard in the voting booth.

Mrs. BOXER. Madam President, I just want to thank my colleague from Maryland for her eloquence and for her fighting spirit. The year I came here was following on the Anita Hill issue, when the world saw and this country saw we had no women on the Judiciary Committee. Now, our Presiding Officer sits on that committee. Senator FEINSTEIN and Senator Moseley-Braun were the two women to serve on that committee after we saw there were no women, and they paved the way for my good friend to bring her fabulous background and expertise to the table.

But when Congressman ISSA, the chairman of the committee that had no women on a panel talking about women's health—imagine, no women. Do we have that photo, Cerin? Do we have the photo of the five men testifying about women's health, talking about women's access to contraception, talking about birth control? Not one of those men ever gave birth as far as I know, unless they are a medical miracle. This photo I have in the Chamber I think is changing this country this year because a picture is worth thousands of words. Look at this picture, and we see over on the House side on that Republican side, that is who they want to hear from. When a woman in the audience said to the chair of that committee: Can I speak? I think I have some important information, he said she was not qualified. So I suppose if a person wants to be qualified to speak about women's health, they have to be a man. Her story she wanted to share was of a friend who was unable to get access to birth control because her employer did not offer it, and she was too financially strapped to purchase it. As a result, a cyst on an ovary became so large and so complicated she lost her ovary.

Now, I just want to say to my colleagues, we are on a highway bill. We have to be kidding that we have now wasted 3 weeks because we are so consumed with attacking women's health. Get over it. We are not going to go back. The women of this country will not allow it.

Look what happened in Virginia. They had a plan. They were going to

mandate an invasive procedure, a humiliating procedure, a medically unnecessary procedure to women. In Virginia the women said: What? And the Governor said: Whoops, I have some ambitions to do more than this. I better change.

I just want to say to my colleagues: Vote this down. Table this amendment, this Blunt amendment. This is not going to get us anywhere. What does it do to create one job—except new jobs for attorneys, as it sets up a whole no right of action. I am sure the trial lawyers are going to love the Republicans for this bill. It sets up a whole new right of action because somebody is going to say: I have a moral objection against giving cancer treatment to a child because I think prayer is the answer. Somebody will sue, and that employer will sue, and they will sue and they will sue and there will be money, money, money going to lawyers. Great. What did that do to help one child? What did that do to make somebody feel better? What did that do to create one job?

I know the leaders on both sides are trying to figure out a pathway forward on this highway bill. I am just saying, we better have a pathway forward. I want to say to the Presiding Officer sitting in the chair, who was a proud member of the Environment and Public Works Committee—and I hated to lose her, but everybody wanted her on their committee, so I lost her—she knows how it is. She lives in a State where a bridge collapsed. She fought hard to get that bridge rebuilt in record time. She knows how important it is to protect people by making sure our bridges are safe, that we have safe roads to schools, that we have good transit alternatives, that we fix our roads and our highways.

Madam President, 70,000 of our bridges are deficient, 50 percent of our roads are not up to standard, and we are voting on birth control? Come on. What is next? Egypt? They have a whole list of things that have nothing to do with the highway bill. Bring it on. Let the people see who is stopping progress, who is stopping this bill because at the end of March do you know what happens. We run out on the authorization of the highway bill. We run out on the authorization of the Transportation bill. We run out, and we will lose 630,000 jobs right then and there.

Instead, we can get this bill done. It is terrifically bipartisan. It came out of the committee 18 to 0. It came out of other committees with a bipartisan vote. We can get on with it, protect 1.8 million jobs, and create up to another 1 million jobs. Madam President, 2.8 million jobs are at stake, and we are debating birth control.

I think this is resonating in the country. All of a sudden, people wake up and they say: What are they doing there? What is happening there? When they see this, it is going to be very clear we have a bill that has been stuck on the floor for 3 weeks because the Republicans are demanding votes on matters that have nothing to do with the highway bill. The first one is on birth control. They are talking about something on Egypt. They are talking about something on—oh, this is a good one—repealing an environmental law that is keeping arsenic, lead, and mercury out of the air. They want to repeal that law. Great. That is great. That will really do something to make us safe.

So I am ready for these amendments. Come on to the floor. Give us a time agreement. Let's get on with it. Let's then allow the germane amendments to be offered.

The last comment I will close with is this because it is haunting me: The picture of 15 football stadiums, with every seat filled, would equal the number of unemployed construction workers we have out there today. Well over 1 million suffering because they cannot find construction work.

So I can only say, it is time to get this birth control amendment behind us. Let's beat it. Let's beat the Blunt amendment. It is a disaster. It is dangerous. It is hurtful. It is irrelevant to this bill, and it is dangerous for the country. Stop invoking the name of a departed colleague. Respect his family. Respect his memory. Let's get this vote over with. Let's go to the business at hand and create the jobs the American people are crying for.

I am very pleased to see a colleague has arrived, so I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KOHL. Madam President, I come here today to speak about my amendment No. 1591, which is a bipartisan amendment to repeal the freight railroad industry's undeserved exemptions to the antitrust laws, exemptions that result in higher prices to hundreds of businesses and millions of consumers every day. These outmoded exemptions do damage to numerous industries across our country—industries that are vital to our economy and to the job market.

From power companies that rely on coal shipped by rail, to farmers shipping grain, to chemical companies that rely on rail to transport raw materials, to paper companies that ship their finished products via rail, the railroad's antitrust exemption leads to higher prices and renders rail shippers at the mercy of rail monopolies engaged in anticompetitive practices.

The railroads enjoy these antitrust immunities despite the industry's very high levels of concentration—with four freight railroads controlling nearly 90 percent of the market as measured by revenue and dividing up the country so that they face very little, if any, rail competition in many areas of our country.

This amendment is very simple. Wherever the law provides freight railroads with an antitrust exemption, this amendment repeals it. In this way, the railroads will have to abide by the same rules of free competition as virtually every other industry. This amendment is identical to the Railroad Antitrust Enforcement Act, bipartisan legislation that has passed the Judiciary Committee by overwhelming margins in this Congress as well as in the past two.

Virtually no industry—other than baseball and insurance—enjoys the sweeping nature of the antitrust exemptions as does the freight railroad industry. Yet, paradoxically, the consolidated nature of the freight railroad industry makes full application of antitrust law even more necessary.

Just three decades ago there were more than 40 class I freight railroads in the United States. But today, after massive waves of consolidation, nearly 90 percent of industry revenues are controlled by just four railroads. Many areas of the country are served by only one, leaving their shippers captive to rate increases and anticompetitive measures.

The effects of these antitrust exemptions protecting monopoly behavior are easy to see. Increased concentration, combined with a lack of antitrust scrutiny, have had clear price effects. A September 2010 staff report of the Senate Commerce Committee stated:

> The four Class I railroads that today dominate the U.S. rail shipping market are achieving returns on revenue and operating ratios that rank them among the most profitable businesses in the U.S. economy.

Since 2004, this report found ''Class I railroads have been raising prices by an average of 5% a year above inflation.''

The four largest railroads nearly doubled their collective profit margins in the last decade to 13 percent, ranking the railroad industry the fifth most profitable industry as ranked by Fortune Magazine. A 2006 GAO report furthermore found that shippers in many geographical areas ''may be paying excessive rates due to a lack of competition in these markets.'' Given the industry's concentration and pricing power, the case for full-fledged application of the antitrust laws is plain.

It is more than just railroad shippers who pay the price of a railroad industry unchecked by antitrust oversight. These unjustified cost increases cause consumers to suffer higher electricity bills because a utility must pay for the high cost of transporting coal, higher prices for goods produced by manufacturers who rely on railroads to transport raw materials, as well as higher food prices for everyone.

Railroad monopoly conduct ripples through the economy, causing pain in countless corners of commerce. The current antitrust exemptions protect a wide range of railroad industry conduct from antitrust scrutiny. Unlike virtually every other regulated industry, the Justice Department cannot bring suit to block anticompetitive mergers—a fact that has greatly aided the sharp industry consolidation I have already described.

Private parties and State attorneys general cannot bring private antitrust

lawsuits to obtain injunctive relief, leaving pernicious industry practices such as bottlenecks and paper barriers exempt from antitrust review. Railroad practices subject to the jurisdiction of the Surface Transportation Board are effectively immunized from antitrust remedies. Our amendment will eliminate these exemptions once and for all. Railroads will be fully subject to antitrust law and will have to play by the same rules of free competition that all other businesses do.

The rail industry's widespread grant of antitrust exemptions has its origin decades ago when the industry was subject to extensive regulation by the long-ago abolished Interstate Commerce Commission. But no good reason exists today for these exemptions to continue.

While railroad legislation in recent decades, including, most notably, the Staggers Rail Act of 1980, deregulated much railroad rate-setting from the oversight of the Surface Transportation Board, these obsolete antitrust exemptions remained in place, insulating a consolidating industry from obeying the rules of fair competition. There is no reason to treat railroads any differently than dozens of other regulated industries in our economy that are fully subject to antitrust.

When this amendment was filed a couple of weeks ago, the railroad industry responded by claiming this amendment ''goes way beyond antitrust laws and looks to create new regulatory law on matters unrelated to antitrust, and in so doing treats [railroads] differently than other regulated industries.''

These arguments are completely without merit. Nothing in this amendment goes ''way beyond antitrust law'' or ''looks to create new regulatory law.'' In fact, this amendment creates absolutely no new regulatory law whatsoever. It simply repeals all of the antitrust exemptions enjoyed by the freight railroad industry.

This amendment would not treat railroads any differently than other regulated industries. The mere fact that an industry is regulated does not exempt it from antitrust law. Many other regulated industries, including the telecommunications sector regulated by the FCC and the aviation and trucking industries regulated by the Department of Transportation, are fully subject to antitrust law.

This amendment simply seeks to end the special exemption from antitrust law enjoyed by freight railroads—an exemption which is both wholly unwarranted and raises prices to shippers and consumers every day.

Dozens of organizations and trade groups representing industries affected by monopolistic railroad conduct have endorsed the Railroad Antitrust Enforcement Act, which is identical to this amendment. Supporters of the legislation have included 20 State attorneys general in 2009; the leading trade associations for the electrical, agricultural, chemical, and paper industries; the National Industrial Transportation League; and the Nation's leading consumer groups.

In sum, by clearing out this thicket of outmoded antitrust exemptions, this amendment will cause railroads to be subject to the same laws as the rest of our economy. Government antitrust enforcers will finally have the tools to prevent anticompetitive transactions and practices by railroads. Likewise, private parties will be able to utilize the antitrust laws to deter anticompetitive conduct and to seek redress for their injuries.

In the antitrust subcommittee, we have seen that in industry after industry vigorous application of our Nation's antitrust laws is the best way to eliminate barriers to competition, to end monopolistic behavior, and to keep prices low and quality of service high. The railroad industry is no different. All those who rely on railroads to ship their products, whether it is an electric utility for its coal, a farmer to ship grain, or a factory to acquire its raw materials or ship out its finished product, deserve the full application of the antitrust laws to end the anticompetitive abuses all too prevalent in this industry today.

I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak as in morning business.

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

TRIBUTE TO WILBUR K. HOFFMAN

Mr. ALEXANDER. Madam President, my late friend, the late Alex Haley, the author of ''Roots,'' lived his life by these six words: Find the Good and Praise it.

I am here today to praise a remarkable hero who served in one of the most difficult battles in our Nation's history and who today at 90 years old lives a quiet life in Memphis with his family.

Wilbur K. Hoffman, or ''Bill'' to his fellow Rangers, was a member of the Dog Company of the 2nd Ranger Battalion, which in 1944 was among the select few companies that stormed the cliffs at Pointe du Hoc on D-day and turned the war around for the Allies.

Forty years after Bill Hoffman and his fellow 2nd Battalion Rangers clambered up the rocky cliffs on the shoreline of France, President Reagan returned to the windswept spot to pay tribute. President Reagan called them ''the boys of Pointe du Hoc.'' The President said:

> These are the men who took the cliffs. These are the champions who helped free a continent. These are the heroes who helped end a war.

This is Bill Hoffman, a hero who helped free a continent and end a war.

Bill volunteered to join the Army in 1942. A year later he volunteered to join the Rangers, a select group that were charged with special missions. Bill says that because of all of their special training, they would simply ''get the mission done.''

Bill got out of the Army in 1945, after the war, but took a look at the job market and said, ''I think I'll go back in.'' Bill served in the Army for 24 years. Bill likes to say, ''Everything that happened, I volunteered for.'' And if you happen to ask how he feels when he looks back, he will say just as plainly, ''No regrets.''

This year the Army has awarded Bill a Purple Heart. But not for the first time. During World War II, the Army tried. But Bill, in an Army ward surrounded by soldiers who had lost arms and legs in fighting, believed his wounds did not measure up, and so he said, ''I don't think so.''

Bill's son David, more than 60 years after his father first declined the Purple Heart, contacted the Army about trying again. Capturing his father's humility in declining the medal decades ago, David calls his dad ''the nicest guy you'll ever meet. Friendly and outgoing but by the same token, he doesn't like to talk about himself'' says the son.

Bill is the father of seven children, and nearly all of them who could join the service did or married someone who did.

Bill is not a native Tennessean. He was born in Newark, NJ. He came to Tennessee first as a Ranger in training. The Rangers came from all over the country and assembled in Camp Forrest in Tullahoma for training. Bill's wife came down to visit him there for a couple of days during training, and it must have had a real effect on her, because more than 30 years later, after Bill was out of the Army after 24 years of service, and they were living in New York State, Bill's wife said to him, ''I want to go to Tennessee. I like it down there.'' So they packed up the U-Haul and moved to Ashland City, along the Cumberland River.

Today Bill is one of only three Rangers left from the original 2nd Battalion Dog Company. While the Ranger reunions used to occur once every 2 years, the guys are getting old, Bill says, and now they are doing them every year. ''Good bunch of guys,'' Bill calls his fellow heroes. ''They say Ranger friendships are forever. It's true.''

Bill turns 91 on Friday. It is an honor for me to wish this American hero a happy birthday.

Congratulations, Bill Hoffman. We're proud of you. Your Nation is proud of you. ''Find the good and praise it.''

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I rise today to speak in support of the Transportation reauthorization bill that is currently before the Senate. It is called the Moving Ahead for Progress in the 21st Century Act, so we call it by its acronym, MAP–21. It is a

critical piece of legislation that will put Americans back to work and lay the foundation for future economic growth.

Our transportation infrastructure has long been at the heart of America's success, from the transcontinental railroad to the interstate highway. Yet, across the country, the infrastructure that helped build our great economy has been allowed to fall into disrepair.

For evidence of our Nation's crumbling infrastructure, one need look no further than my home State of Rhode Island. Anyone who drives to work or school in our State sees the problems—bridges that are subject to weight restrictions, highways with lane closures, and roads everywhere marked with potholes. Only one-third of our highway miles are rated in fair or good condition; the majority are poor or mediocre. According to a recent report, one in five bridges in Rhode Island is structurally deficient—the fourth highest figure for any State. You look nationwide, and the picture does not improve.

The American Society of Civil Engineers rates our national transportation systems as near failing. They give our roads and highways a D-minus, our bridges a C, our freight and passenger rail a C-minus, and our transit systems a D. This is not the kind of report card you want to post at home on your refrigerator, and it is not one our great Nation should tolerate.

Instead of committing ourselves to solving our infrastructure deficit, however, we continue to fall short. The civil engineers estimate that we would need to dedicate $250 billion each year to bring our transportation systems into a state of good repair. At current levels, the United States spends only 2.4 percent of GDP on infrastructure, compared with European nations at 5 percent and China and India at about 9 percent.

Let's recall why it is so important that we invest in transportation. Our economy relies on the ability to get goods and services to where they are needed. An entrepreneur cannot start a business if his employees cannot get to work. A manufacturer cannot stay in business if its products cannot reach its customers. A free market can only operate if supply can actually get to demand. Our roads, trains, and buses are what allow this to happen.

If we don't make the necessary investment, our global competitors nevertheless will. MAP–21 represents a downpayment that will fund important highway, transit, and rail projects to repair our aging transportation infrastructure and help ensure that America can succeed, as it has since we first broke ground on the Interstate Highway System.

As important as this bill is to our long-term prosperity and our global economic position, MAP–21 also provides immediate support to local construction projects and the quality jobs that go along with them.

It is estimated that MAP–21 will protect 1.8 million existing jobs around the country, with the potential to create up to a million more new jobs. This is particularly important given the high level of unemployment in the construction industry. In my home State of Rhode Island, this bill would support an estimated 8,100 jobs. At a time when our State's unemployment rate hovers stubbornly around 10 percent, those jobs are absolutely crucial.

Given the decrepit state of our transportation systems, it should be obvious that we will have to address our infrastructure needs at some point. We need to do this work sooner or later, and there is no better time to make that investment than now, with so many workers ready to get to work and so many projects ready to get underway. I know that in Rhode Island there is no shortage of workers or worthwhile transportation projects. In fact, Secretary of Transportation LaHood was in Providence today, and I invited him to tour one of the most significant of Rhode Island's transportation projects, and that is the Providence viaduct. That viaduct is an overland highway bridge that carries Interstate 95 for nearly a quarter mile through downtown Providence, our capital city. It is one of the busiest stretches of the entire I–95 corridor.

The viaduct runs north and south over U.S. Route 6 and State Route 10, the Amtrak northeast corridor, commuter, and freight rail lines, and over the Woonasquatucket River. It provides access to downtown Providence, four universities, Rhode Island Hospital, our convention center and arena, and the Providence Place Mall, not to mention the north-south traffic along the eastern seaboard that traffics through this area.

What Secretary LaHood saw on his tour today is a bridge that is quite literally crumbling. The viaduct was built in 1964, and it is showing its age. Its deck is badly deteriorated, steel girders are cracked and don't meet minimum specifications for brittleness, and our State department of transportation has installed these wooden planks under the I-beams to keep concrete from falling through onto the cars, pedestrians, and even the trains that travel underneath the highway. You can also see here where a section of the concrete has fallen through the supports, exposing the steel reinforcement, which is now rusting out in the open.

While the viaduct remains safe for travel today, it is a weak link in the critical I–95 corridor. It is a potential safety hazard for the 160,000 vehicles that travel on it each and every day, as well as to the cars and trains that pass underneath. The bridge is inspected on a regular basis, just as a precaution. If the viaduct were to fail or simply require posted weight limits, it would cause substantial regional disruptions to traffic and commerce and trade.

Clearly, this is a problem that needs to be addressed. The cost of repairing the Providence viaduct is estimated at roughly $140 million. This is a reasonable investment to help ensure the flow of commerce through the entire Northeast, but it represents a very significant financial burden for a small State such as Rhode Island. Fixing the viaduct would take out almost two-thirds of the money that Rhode Island would get from this bill. Rhode Island simply isn't big enough and doesn't have the resources to tackle this important project and still meet our other transportation obligations.

I have filed an amendment to MAP–21 to fund the program for the Projects of National and Regional Significance Program. The Projects of National and Regional Significance Program is a competitive grant program that is designed to support critical, high-cost transportation projects that are difficult to complete with existing funding sources. This program can help us address those big infrastructure projects around the country—ones such as the viaduct—that are currently being kicked down the road because the State DOTs cannot scrape enough money together to get them underway.

The Projects of National and Regional Significance Program is authorized in MAP–21. We got that done in the Environment and Public Works Committee. Now we need to get that authorized program funded. I am pleased to have the support of my senior Senator, JACK REED, and Senator MERKLEY on this amendment. I look forward to working with them and other Senators so that we can start the important work of rebuilding critical infrastructure projects, such as the viaduct, that are so important to our economy.

While I am thanking other Senators, let me recognize Senator OLYMPIA SNOWE for her work on another amendment that would grant States limited flexibility to use congestion mitigation and air quality funds toward their transit systems. This is an important issue for Rhode Island, as we begin to scale up our new South County commuter rail.

I introduced a version of this amendment in committee and continue to believe that increased flexibility in the Congested Mitigation and Air Quality Program, or CMAQ, would promote State-level transit options that we so critically need.

Let me thank our chairwoman, Senator BOXER, and her ranking member, Senator INHOFE, for their consideration of our amendment and, more important, for their hard work on this bill overall. As a member of the Environment and Public Works Committee, I can testify that the leadership of Chairman BOXER and Ranking Member INHOFE, working together, is what has made the difference for this transportation reauthorization. Through their efforts, we were able to unanimously vote the bill out of committee, making the important statement that investment in our Nation's infrastructure

has strong, bipartisan support. They have set an example that I hope ultimately will be followed by the handful of Senators who are obstructing progress on this transportation bill, and our colleagues on the other side of this building. The American people deserve better than efforts to gut transportation jobs and slash infrastructure programs, or to slow down progress on this bill with irrelevant amendments.

With our economy struggling to get back on its feet, with our roads and bridges in desperate need of repair, now is not the time to be debating unpopular and misguided efforts to roll back protections for women's health. Now is not the time, and this is not the bill, to debate whether we should undermine rules that protect our environment or fast track a pipeline project that is clearly not ready for prime time. We have a bipartisan bill before us. We have a bill that will create jobs. We have a bill that will get our economy moving forward. That should be our priority. We should get to the business of legislating on this bill.

This is a country that does big things. We built highways and rail systems connecting Americans from coast to coast. We built skyscrapers and airplanes and rockets to take us to the Moon and back. Big things are part of America's national identity. Just as important, they are a vital source of jobs during this trying economic time.

Let's keep doing big things. Let's give the people in Rhode Island and across the country a transportation infrastructure they can be proud of, and let's not cut funding and retreat. We cannot afford to go backward. The infrastructure is what supports our economy. We need to refocus on the job of getting America moving ahead, and MAP–21 is a step forward.

I thank the Chair and yield the floor.

Mrs. BOXER. Madam President, I thank Senator WHITEHOUSE of Rhode Island for his words. Also, he is an exceptional member of the Environment and Public Works committee. First and foremost, he brings us the point of view of his State and he fights on every issue every day. He brings national leadership to the floor on the issue of infrastructure and the need to keep up with our incredible failing infrastructure—the fact that we have to fix these bridges, 70,000 of which are insufficient, and 50 percent of the roads that are not up to par. In Rhode Island, we have serious problems, and the Senator has brought those to the floor. He is a leader on a clean and healthy environment, protecting the air and water for his people.

The Senator could not be more eloquent. He is making a point that we could come up with very difficult amendments and slow things up and gum up the works, et cetera, but doesn't my friend think that with so many construction workers out of work—they have well over 15 percent unemployment in the construction industry, which is about twice the national rate, which is too high as it is—we have a chance to protect 1.8 million jobs and create another million jobs, and isn't it time to say that birth control was an issue that was resolved decades ago and let's move on to the task at hand and put people back to work?

Mr. WHITEHOUSE. It doesn't make sense. I thank her for getting us to this point. I know how much frustration she must feel, having worked so hard and in such a bipartisan way to get us to this point and to now have a process that would get this bill moving forward and get funding out there, get infrastructure repaired, put men and women to work in good, solid, high-paying jobs, only to be all snarled up so that a small group of people can score points with a political issue that has nothing to do with transportation, infrastructure, or highways.

If people want to have a fight about whether women should get access to contraceptive medicine, I suppose that is their right in the Senate. But the idea to stop a highway bill to forge that fight is what to me is irresponsible.

Mrs. BOXER. I know my colleague worked very hard on the health care bill, am I right on that?

Mr. WHITEHOUSE. Yes.

Mrs. BOXER. I remember him being so proud of the prevention piece he brought to us. He made the case to us publicly, and privately in caucus, that it would save so much money for the American people. Right now, we know, for example—and I just read this—if you have colorectal screening, you are 50 percent less likely to die of colorectal cancer. This is a screening test.

We certainly know about mammography and all of this. Is my colleague aware that what the Blunt amendment says is that any employer, religious or not, any insurance company, religious or not, can withhold any one of those preventive services from being offered to employees if they had some kind of vague moral objection? Is my colleague aware that all the work he put in on making sure that insurers cover our people for preventive services, such as mammography, colorectal screening, HIV screening, and all of these important benefits, plus a list of essential benefits just as important, that all of that could come to nothing if the Blunt amendment passed and an employer woke up and said: I know how to save money, I will have a moral objection and not offer anything? Is my friend aware of how deep this Blunt amendment reaches into health care reform?

Mr. WHITEHOUSE. I thank my chairman, and yes, it is kind of astonishing, the breadth and the scope of this amendment. As if CEOs don't have enough power over their workforce, as if they haven't done enough to send jobs from American factories offshore to factories overseas, now they would be able to dictate what kind of health care their employees can receive, and not based on marketplace considerations, not based even on health considerations, but based on their own unchecked moral or religious beliefs.

Mrs. BOXER. Exactly.

Mr. WHITEHOUSE. I think it is a terrible mistake to go down that road, but I think it is a double mistake: it is wrong to go down that road in the first instance, but it is also wrong while we need jobs so urgently, while our highways crumble and our bridges deteriorate and water works continue to fail and we have the ability to put people to work in America at good jobs. You can't offshore a job building an American highway; you have to do it right here in this country. These are important jobs and this is important work. We should be getting about this.

I think it sends a terrible signal to the American people when the Senate, taking up this piece of legislation, has to be led off into all these other battles that have nothing to do with highways, that have nothing to do with infrastructure, that have nothing to do with jobs, but are simply an exercise in political gamesmanship.

Mrs. BOXER. Right.

Mr. WHITEHOUSE. It is unfortunate, when there are real stakes for real families on the table and real time slipping by, that we don't get this done. We get jacked up enough around here, but as hard as the chairman has worked to bring this to the floor and to be ready, here we are, stopped again, dealing with irrelevant issues again, and all for the entertainment and distraction of people. It is not about jobs, it is not about the economy, it is not about our infrastructure, it is not about laying the foundation for future prosperity, and so it is frustrating that we have to go through this exercise.

Mrs. BOXER. I thank my friend. When I looked at him, I thought, He is one of the few people who have such a personal stake in two issues that have been merged together, unfortunately: the Blunt amendment, which would allow anyone to opt out from providing so many of the services my friend worked to make sure the American people have, plus 3 weeks we are now delayed on a bill my friend helped me with so strongly and so powerfully. So I wanted to make sure people in his State understood that he has worked so hard to make sure people have access to health care, and the Blunt amendment would drive a big Mack truck through this—not to use a kind of funny analogy on the highway bill, but that is what it would do, in the meantime stopping us from getting on to our work in creating all these jobs.

My feeling is we will defeat the Blunt amendment tomorrow. I am very hopeful. But with that in mind, Madam President, I ask unanimous consent to have printed in the RECORD a number of letters speaking to the Blunt amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN CANCER SOCIETY,
CANCER ACTION NETWORK,
Washington, DC, February 29, 2012.

DEAR SENATOR: On behalf of millions of cancer patients, survivors and their families, we write to express our opposition to the amendment proposed by Senator Roy Blunt to the Moving Ahead for Progress in the 21st Century Act that would permit employers to refuse employee insurance coverage for any health benefit guaranteed by the Affordable Care Act if the employer raises a religious or moral objection to those benefits.

Annually, seven out of ten deaths among Americans are attributed to chronic diseases such as cancer, diabetes, heart disease and stroke. The Affordable Care Act made significant strides to stem this epidemic by ensuring patients would have access to essential care that could address prevention, early detection, and treatment—all necessary elements to improve the health and well-being of our nation.

Unfortunately, the expansive nature of the proposed Blunt amendment would directly undercut this progress. Specifically, it would allow any health insurance plan or employer, with a religious affiliation or not, to exclude any service required by the Affordable Care Act if they object based on undefined ''religious beliefs or moral convictions.'' The implications of this provision could result in coverage denials of lifesaving preventive services such as mammograms or tobacco cessation based on employer discretion. Consider the reality that under the amendment a tobacco manufacturer could refuse coverage of tobacco cessation benefits for its employees.

We urge all members of the Senate to consider the undefined impact this amendment could have on employee health care coverage, and to please vote against it. Thank you for your consideration of this request.

Sincerely,

CHRISTOPHER W. HANSEN,
President.

TRUST FOR AMERICA'S HEALTH,
Washington, DC, February 14, 2012.

SENATOR BARBARA BOXER,
Chairman, Committee on Environment & Public Works, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN BOXER, I am writing to express my deep concern over the Blunt Amendment, which is expected to be offered during the debate over S. 1813, Moving Ahead for Progress in the 21st Century (MAP–21). This amendment would undermine the Affordable Care Act's guarantee that all insurance plans cover preventive services and would do serious harm to our efforts to reduce the rate of chronic disease in this country.

One of the most important provisions in the Affordable Care Act (ACA) was the requirement that preventive services be covered with no cost-sharing. Chronic diseases—such as heart disease, cancer, stroke, and diabetes—are responsible for 7 out of 10 deaths among Americans each year and account for 75 percent of the nation's health spending. Including preventive services within essential health benefits represents a critical opportunity to ensure that millions of Americans have access to prevention-focused health care and community-based preventive services. This is essential if we are to address risk factors for chronic diseases—such as tobacco use, poor diet, and physical inactivity—which will allow us to improve the health of Americans and reduce health costs over the long term.

The Blunt Amendment would allow any health insurance plan or employer, religious or not, to exclude any preventive service if they object based on undefined ''religious beliefs or moral convictions.'' This is an extraordinarily broad provision which could result in coverage denials for virtually any preventive service. Americans should be able to count on a minimum level of coverage no matter where they work, and this amendment sets a dangerous precedent.

Transportation legislation is an opportunity to expand access to healthy transportation choices, such as walking and cycling, which will keep our communities moving by providing healthy, safe, and accessible transportation options. It should not be a forum for re-opening the ACA and reversing gains we have made in prevention and public health. I hope the Senate will defeat the Blunt Amendment and instead focus on amendments to MAP–21 that would promote good health and 21st century transportation policy.

Sincerely,

JEFFREY LEVI, PH.D.
Executive Director.

FEBURARY 13, 2012.

DEAR SENATOR, on behalf of the more than 2.1 million members of the Service Employees International Union (SEIU), I urge you to oppose an amendment offered by Senator Blunt (S. Amdt. 1520) to the surface transportation, reauthorization bill (S. 1813) that would allow employers to deny coverage for contraception and other critical health care services.

The Affordable Care Act, in an enormous step forward for working women and their families, requires all new health insurance plans to cover certain preventive healthcare services with no cost-sharing or co-pays, including mammograms, pap smears, and well-woman yearly exams. Starting this August, most health insurance plans will be required to cover women's preventive services, including contraception. This is a tremendous milestone for women's health and equality in our country.

Unfortunately, the Blunt Amendment is an extreme proposal that turns back the clock on this important advance, allowing employers to impose their beliefs on their employees and take away the health care benefits their employees would otherwise be entitled to receive. The Blunt Amendment allows any employer to deny insurance coverage for any essential health benefit or preventive service to which the employer has a religious or moral objection, including contraception, as well as many other health services.

As the nation's largest union of nurses, doctors, and healthcare workers, we know that women's healthcare choices are too often driven by the reality that the cost for gas and groceries comes first. Contraceptive use is the rule, not the exception, for women who can afford it. In fact, 99 percent of women overall and 98 percent of Catholic women use contraception at some point in their lives. Women should have the freedom to make personal, private decisions about their families and their future with their doctor and their loved ones. An employer has no place in that decision-making process.

We urge you to oppose the Blunt Amendment when it comes up for a vote on the Senate floor. SEIU may add votes on this amendment to our scorecard, located at www.seiu.org. Should you have any questions or concerns, contact Steph Sterling, Legislative Director, at steph.sterling @seiu.org or at 202–730–7232.

Sincerely,

MARY KAY HENRY,
International President.

FEBRUARY 29, 2011.

FRIENDS, this week the Senate may consider an amendment by Senator Blunt (R–MO) that would eliminate access to essential health benefits for millions of Americans. The Human Rights Campaign (HRC) strongly urges your boss to vote no on the Blunt Amendment. HRC will consider this a key vote.

When Congress passed the Affordable Care Act in March of 2010, the intent was to ensure that all Americans had access to health insurance. More specifically, it required that a core set of benefits be covered, including preventive care specially designed for women and children. The essential health benefits package was carefully crafted to respect religious interests and individual conscience. To that end the ACA includes a strong exemption, allowing approximately 335,000 churches/houses of worship to refuse to provide birth control for their employees. In response to concerns raised by religiously-affiliated hospitals, universities and other facilities, the President has proposed additional protections that would allow those entities—which operate as businesses and serve and employ the broader public—not to provide birth control coverage, but still ensure that their employees have access to that benefit.

HRC respects the right of religious groups to maintain their beliefs and the important role religious organizations play in providing important health, education and social services. The ACA and the President's proposed compromise strike a respectful balance between religious interests and the health needs of women. However, HRC is particularly concerned by efforts to go even further and permit the religious or moral beliefs of individuals or private businesses to limit nondiscrimination protections and equal access to services and benefits. When the balance shifts too far in that direction, all too often, lesbian, gay, bisexual and transgender (LGBT) individuals are negatively impacted.

The Blunt Amendment would go far beyond the President's reasonable step and dramatically expand the ACA's religious exemption, permitting any employer to opt-out of providing coverage for an essential health benefit or preventive service by asserting it violates its ''religious beliefs or moral convictions,'' regardless of whether that employer is in any way a religious organization. This language would undermine the entire healthcare law by allowing employers to cherry-pick what is covered by their health insurance. While the amendment comes in response to recent debate over the coverage of birth control, it would be all too easy for employers to decide to drop other benefits, like HIV testing, or limit coverage for specific medical conditions, based on a purported religious or moral objection. If enacted, the Blunt Amendment would place the moral objections of any employer over the health of millions of Americans, including members of the LGBT community. For these reasons, HRC strongly urges you to oppose the Blunt Amendment.

Should you have any questions at all please feel free to contact me at (202) 216–1515 or allison.herwitta@hrc.org or Andrea Levario at (202) 216–1520 or andrea.levario@ahrc.org.

ALLISON HERWITT,
Legislative Director.

TO MEMBERS OF THE UNITED STATES SENATE: The undersigned organizations are opposed to the amendment introduced by Senator Roy Blunt (R–MO) that would jeopardize quality health insurance coverage for millions of people in this country.

The Blunt Amendment #1520 to S. 1813, the Surface Transportation bill, allows any employer or insurance company, religious or not, to deny health insurance coverage for any essential or preventive health care law, service that they object to on the basis of religious beliefs or moral convictions. That

means employers and insurance companies can not only deny access to birth control, they can deny access to any health care service required under the new health care law including maternity care for unmarried women, vaccines for children, blood transfusions, HIV/AIDS treatment, or type II diabetes screenings. This expansive control over employees' coverage will have a harmful impact on all people, and it will discriminate against those who need access to essential health services the most.

In short, the Blunt amendment would eviscerate critical protections in the Affordable Care Act and completely undermine a fundamental principle of the health care law—that everyone in this country deserves a basic standard of health insurance coverage.

We urge you to reject the Blunt amendment and oppose all efforts to undermine peoples' access to health care.

Sincerely,

Advocates for Youth; The AIDS Institute; AIDS United; America Votes; American Academy of Pediatrics; American Association of University Women; American Civil Liberties Union; American College of Nurse-Midwives; American Congress of Obstetricians and Gynecologists; American Federation of State, County and Municipal Employees; American Medical Student Association; American Medical Women's Association; American Nurses Association; American Public Health Association; Asian Communities for Reproductive Justice; Association of Reproductive Health Professionals; Black Women's Health Imperative; Catholics for Choice; Center for Health and Gender Equity; Center for Reproductive Rights.

Center for Women Policy Studies; Coalition of Labor Union Women; Choice USA; Concerned Clergy for Choice; Doctors for America; EQUAL Health Network; Feminist Majority; Gay Men's Health Crisis (GMHC); Hadassah, The Women's Zionist Organization of America, Inc.; Health Care for America Now; Healthy Teen Network; HIV Medicine Association; Human Rights Campaign; International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW; International Women's Health Coalition; Jewish Women International; Justice and Witness Ministries of the United Church of Christ; Law Students for Reproductive Justice; MergerWatch; Methodist Federation for Social Action.

MoveOn.org Political Action; NARAL Pro Choice America; National Abortion Federation; National Alliance on Mental Illness; National Asian Pacific American Women's Forum; National Center for Transgender Equality; National Coalition for LGBT Health; National Coalition of STD Directors; National Council of Jewish Women; National Council of Women's Organizations; National Education Association; National Family Planning & Reproductive Health Association; National Gay and Lesbian Task Force Action Fund; National Health Law Program; National Immigration Law Center; National Latina Institute for Reproductive Health; National Organization for Women; National Partnership for Women & Families; National Physicians Alliance; National Women's Law Center.

New Evangelical Partnership for the Common Good; Physicians for Reproductive Choice and Health; Planned Parenthood Federation of America; Population Connection; Progressive Majority; Raising Women's Voices for the Health Care We Need; Religious Coalition for Reproductive Choice; Religious Institute; Reproductive Health Technologies Project; Service Employees International Union; Sexuality Information and Education Council of the United States; SisterSong NYC; Society for Adolescent Health and Medicine; The National Alliance to Advance Adolescent Health; The National Campaign to Prevent Teen and Unplanned Pregnancy; Trust Women/Silver Ribbon Campaign; Union for Reform Judaism; Unitarian Universalist Association of Congregations; United Methodist Church, General Board of Church & Society; U.S. Positive Women's Network and Women Organized to Respond to Life-threatening Diseases; Women Donors Network.

FEBRUARY 27, 2012.

DEAR SENATOR: As organizations dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults, we strongly urge you to oppose Sen. Blunt's amendment, S. Amdt. 1520, to the Moving Ahead for Progress in the 21st Century Act, S. 1813. Our organizations oppose this amendment that will hinder access to necessary preventive health screenings for infants, children, and their families.

The Affordable Care Act made significant progress in prioritizing preventive care, health promotion, and disease prevention in our health care system. The law includes a number of provisions that safeguard children's access to and remove disincentives from accessing preventive health care services. Specifically, the ACA establishes Sec. 2713 of the Public Health Services Act, which requires that individual and group health plans cover preventive health services without any cost-sharing to the patient, including evidence-based services recommended by the United States Preventive Services Task Force; immunizations recommended by the CDC's Advisory Committee on Immunization Practices; and preventive care and screenings supported by the Health Resources and Services Administration (HRSA), which are outlined in the American Academy of Pediatrics' Bright Futures handbook.

Children's health is the foundation of health across the lifespan and preventive health services are the bedrock of pediatric care. All adults once were children, and their health is significantly influenced by preventive care during their early years. Denying childhood preventive care could result in billions of dollars of extra expenditures in adult health care, as we continue the unsustainable system of paying for adult conditions that could have been inexpensively prevented during childhood. Life-saving immunizations, developmental screenings, autism screenings, other behavioral and mental health assessments, hearing and vision testing, body mass index (BMI) measurements, oral health risk assessments, identification of special health care needs, solicitation of parental and child health concerns, and anticipatory guidance are all essential components of a pediatric well-child visit and are all required to be covered without cost-sharing under the ACA. This amendment would undermine efforts to promote pediatric preventive health and would jeopardize the health of infants, children, adolescents and young adults by denying them access to these clinically appropriate services and treatments.

Before the law's passage, pediatricians reported that their patients were often required to provide co-pays or provide other cost sharing for preventive health screenings. Co-pays and other cost sharing are often imposed by insurers to decrease health service utilization, even though families already pay a monthly premium. Our organizations have argued that imposing cost sharing is completely inappropriate in the context of pediatric preventive services, as cost sharing has the aggregate effect of limiting clinically appropriate interactions between children and their health providers. Indeed, one of the main reasons that the Academy cautions families to seriously consider alternatives to Consumer-Directed Health Plans is that these plans often do not provide ''first dollar'' coverage for preventive services.

Unfortunately, S. Amdt. 1520 would create a substantial loophole in the requirements for preventive health services because insurance plans would not be required to offer the appropriate array of pediatric preventive services and due to the cost sharing disincentive discussed above. Specifically, S. Amdt. 1520 would allow any employer or insurance company to deny health insurance coverage for any service that it finds objectionable on the basis of personal beliefs. The amendment would not only allow employers and insurance companies to deny access to contraception, but would include all preventive health services covered by Sec. 2713 of the Public Health Service Act. For instance, if an employer objects to childhood vaccines on the basis of personal beliefs, he or she could purchase insurance that would not be required to cover these life-saving medical interventions. Our organizations are seriously concerned that if this amendment passes, children will not receive the preventive services they need as a result of the personal beliefs of a single individual, employer, or insurance company.

Our organizations urge Congress to oppose S. Amdt. 1520 to the Moving Ahead for Progress in the 21st Century Act and protect children's access to preventive services, including vaccines, well-child check-ups, and other essential health benefits that help children grow to be healthy, productive adults. If you have questions or concerns, please contact Kristen Mizzi with the American Academy of Pediatrics at 202/347–8600 or kmizzi@aap.org.

Sincerely,

Academic Pediatric Association; American Academy of Pediatrics; American Pediatric Society; Association of Medical School Pediatric Department Chairs; The Society for Adolescent Health and Medicine; Society for Pediatric Research.

DEAR SENATOR BOXER: As organizations committed to the health and wellbeing of infants, children, adolescents, and pregnant women, we urge you to oppose the amendment offered by Senator Roy Blunt (R–MO), Senate Amendment 1520, to the Moving Ahead for Progress in the 21st Century Act (S. 1813).

Senate Amendment 1520 threatens to undermine crucial clinical and preventive health services by allowing plans, employers, providers, and beneficiaries to refuse coverage for any service currently required under Section 2713 of the Public Health Service Act and Section 1302 of the Public Health Service Act, if deemed objectionable to them on moral or religious grounds. The Amendment would give expansive and explicit license to any employer, health plan, provider, or beneficiary to exclude any health service from insurance coverage. For instance, a small employer or health plan could ban maternity care for women due to religious convictions regarding out-of-wedlock pregnancies. Likewise, a health plan or small

employer that objects to childhood immunizations, newborn screening for life-threatening genetic disorders, other components of well-child visits, or prenatal care would be fully within the law to deny coverage for any and all of these vital services.

The Affordable Care Act has made significant gains toward providing critical health services for infants, children, adolescents, and women of childbearing age. Section 1302 of the Affordable Care Act guarantees that all plans offered in the individual and small group markets must cover a minimum set of ''essential health benefits,'' including maternity and newborn care, pediatric services, including oral and vision care, rehabilitative and habilitative services and devices, and mental health and substance use disorder services, including behavioral health treatment. Section 2713 of the Public Health Service Act requires that all new health plans cover, without cost-sharing, certain preventive services, including evidence-based services recommended by the United States Preventive Services Task Force; immunizations recommended by the Advisory Committee on Immunization Practices; preventative care and screening services for children contained in Bright Futures: Guidelines for Health Supervision of Infants, Children and Adolescents; and preventive health care services for women developed by the Institute of Medicine and promulgated by the U.S. Health Resources and Services Administration, such as prenatal care, well woman visits, and breast cancer screening.

If passed, Senate Amendment 1520 could limit access to necessary health services well beyond contraceptive coverage, putting infants, children, adolescents, and pregnant women in danger of not receiving even the most basic health care and preventive services. We urge you to oppose Senate Amendment 1520 to the Moving Ahead for Progress in the 21st Century Act. If you have any questions, please contact Michelle Sternthal at msternthal@marchofdimes.com.

Sincerely,

American Academy of Pediatrics; American Congress of Obstetricians and Gynecologists; American Federation of State, County and Municipal Employees; Asian Pacific Islander American Health Forum; Association of Maternal & Child Health Programs.

Association of University Centers on Disabilities; CHILD Inc.; Children's Dental Health Project; Children's Healthcare Is a Legal Duty; Easter Seals; Families USA; Family Voices; First Focus Campaign for Children; Genetic Alliance; National Association for Children's Behavioral Health.

National Association of Pediatric Nurse Practitioners; National Association of Social Workers; National Alliance on Mental Illness; Planned Parenthood Federation of America; Service Employees International Union; Society for Adolescent Health and Medicine; Spina Bifida Association; Voices for America's Children.

Mrs. BOXER. Madam President, the first letter is from the Cancer Action Network asking us to vote no on the Blunt amendment.

On behalf of millions of cancer patients, survivors and their families, we write to express our opposition to the amendment proposed by Senator ROY BLUNT.

They talk about the fact that it would permit employers to refuse employees insurance coverage for any health care benefit guaranteed by health reform. And they are very strong on this issue. They say:

The implications of this provision could result in coverage denials of lifesaving preventive services such as mammograms or tobacco cessation based on employer discretion.

That is a new letter, dated today.

Then we got a letter from the Trust for America's Health. They say:

The Blunt amendment would allow any health insurance plan or employer, religious or not, to exclude any preventive service. . . .

The SEIU—Service Employees International—calls the Blunt amendment ''an extreme proposal that turns back the clock.''

The Human Rights Campaign Letter:

. . . The Blunt amendment would place the moral objections of any employer over the health of millions of Americans. . . .

Eighty organizations signed a letter, and, referring to the Blunt amendment, part of that letter says:

That means employers and insurance companies can not only deny access to birth control, they can deny access to health care service. . . .

That is signed by Advocates for Youth, America Votes, the AIDS Institute, American Association of University Women, American College of Nurses and Midwives, American Congress of Obstetricians and Gynecologists, American Medical Students, Black Women's Health Imperative, Catholics for Choice, Reproductive Rights Center, Center for Women Policy Studies, Coalition of Labor Union Women, Choice USA, Concerned Clergy for Choice, Doctors for America, EQUAL Health Network—I mean, this goes on and on—the National Latina Institute for Reproductive Health, Planned Parenthood, Population Connection, Progressive Majority, Society of Adolescent Health and Medicine, National Alliance to Advance Adolescent Health, National Campaign to Prevent Teen and Unplanned Pregnancy, Trust Women/Silver Ribbon Campaign, Union for Reformed Judaism, Unitarian Universalist Association of Congregations. This is a long list of organizations that oppose the Blunt amendment.

This letter came in from the Academic Pediatric Association and a number of other youth organizations. They urge us to oppose the Blunt amendment because it doesn't protect children's access to preventive services.

This is another letter signed by many more organizations, including the Spina Bifida Association, Voices for America's Children, Children's Healthcare Is a Legal Duty, Easter Seals, Family Voices, First Focus Campaign for Children—it goes on and on—American Federation of State, County and Municipal Employees, American Association of Maternal and Child Health Programs, Association of University Centers on Disabilities, CHILD, Inc. All these organizations have come together, and they say:

As organizations committed to the health and well-being of infants, children, adolescents, and pregnant women, we urge you to oppose the amendment offered by Senator Roy Blunt. . . .

So all you are going to hear from the other side is misstatements about how the Blunt amendment is nothing more than what we have always done. Then why are you doing it? It is because it reaches so far.

We all support an exemption for religious providers. We all support that. We do not support the ability of any insurance company, nonreligious, or any employer, nonreligious, to stand up and say: You know what, I don't believe vaccines work; therefore, I don't think they should be made available to my people. And when you ask why, they say: I have a moral conviction. I have a moral conviction that people should have known better before they took that first cigarette when they were 11 or 12; therefore, I am not going to give any treatment. Too bad. They will just get lung cancer.

I mean, seriously. That is what the Blunt amendment will do. It will allow anyone—nonreligious—to say they have an objection and not offer a host of preventive and essential health care services, including contraception.

So tomorrow is our time. We are going to defeat the Blunt amendment, and when we defeat the Blunt amendment, we are going to move on to the highway bill. Hooray. And maybe, just maybe people will listen to Senator OLYMPIA SNOWE, who said we should not get tied up in knots over these controversial things and we should do what is right for the American people. I certainly support that.

There is just one more thing I want to put in the RECORD.

Madam President, I ask unanimous consent to have printed in the RECORD the testimony of a woman who tried very hard to be allowed to speak with a panel of men at a congressional hearing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Law Students for Reproductive Justice Chapter]

TESTIMONY FROM LAW STUDENT BARRED FROM HOUSE HEARING

Members of Congress, good morning, and thank you for allowing me to testify. My name is Sandra Fluke, and I'm a third year student at Georgetown Law, a Jesuit school. I'm also a past president of Georgetown Law Students for Reproductive Justice or LSRJ. I'd like to acknowledge my fellow LSRJ members and allies and thank them for being here today.

Georgetown LSRJ is here today because we're so grateful that this regulation implements the nonpartisan, medical advice of the Institute of Medicine. I attend a Jesuit law school that does not provide contraception coverage in student health plans. Just as we students have faced financial, emotional, and medical burdens as a result, employees at religiously affiliated hospitals and universities across the country have suffered similar burdens. We are all grateful for the new regulation that will meet the critical health care needs of so many women. Simultaneously, the recently announced adjustment addresses any potential conflict with the religious identity of Catholic and Jesuit institutions.

As I have watched national media coverage of this debate, it has been heartbreaking to see women's health treated as a political football. When I turn off the TV and look around my campus, I instead see the faces of the women affected, and I have heard more and more of their stories. You see, Georgetown does not cover contraceptives in its student insurance, although it does cover contraceptives for faculty and staff. On a daily basis, I hear from yet another woman who has suffered financial, emotional, and medical burdens because of this lack of contraceptive coverage. And so, I am here to share their voices and ask that you hear them.

Without insurance coverage, contraception can cost a woman over $3,000 during law school. For a lot of students who, like me, are on public interest scholarships, that's practically an entire summer's salary. Forty percent of female students at Georgetown Law report struggling financially as a result of this policy. One told us of how embarrassed and powerless she felt when she was standing at the pharmacy counter, learning for the first time that contraception wasn't covered, and had to walk away because she couldn't afford it. Students like her have no choice but to go without contraception. Just on Tuesday, a married female student told me she had to stop using contraception because she couldn't afford it any longer.

You might respond that contraception is accessible in lots of other ways. Unfortunately, that's not true. Women's health clinics provide vital medical services, but as the Guttmacher Institute has documented, clinics are unable to meet the crushing demand for these services. Clinics are closing and women are being forced to go without. How can Congress consider allowing even more employers and institutions to refuse contraceptive coverage and then respond that the non-profit clinics should step up to take care of the resulting medical crisis, particularly when so many legislators are attempting to defund those very same clinics?

These denials of contraceptive coverage impact real people. In the worst cases, women who need this medication for other medical reasons suffer dire consequences. A friend of mine, for example, has polycystic ovarian syndrome and has to take prescription birth control to stop cysts from growing on her ovaries. Her prescription is technically covered by Georgetown insurance because it's not intended to prevent pregnancy. At many schools, it wouldn't be, and under Senator Blunt's amendment, Senator Rubio's bill, or Representative Fortenberry's bill, there's no requirement that an exception be made for such medical needs. When they do exist, these exceptions don't accomplish their well-intended goals because when you let university administrators or other employers, rather than women and their doctors, dictate whose medical needs are good enough and whose aren't, a woman's health takes a back seat to a bureaucracy focused on policing her body.

In sixty-five percent of cases, our female students were interrogated by insurance representatives and university medical staff about why they need these prescriptions and whether they're lying about their symptoms. For my friend, and 20% of women in her situation, she never got the insurance company to cover her prescription, despite verification of her illness from her doctor. Her claim was denied repeatedly on the assumption that she really wanted the birth control to prevent pregnancy. She's gay, so clearly polycystic ovarian syndrome was a much more urgent concern than accidental pregnancy. After months of paying over $100 out of pocket, she just couldn't afford her medication anymore and had to stop taking it. I learned about all of this when I walked out of a test and got a message from her that in the middle of her final exam period she'd been in the emergency room all night in excruciating pain. She wrote, ''It was so painful, I woke up thinking I'd been shot.'' Without her taking the birth control, a massive cyst the size of a tennis ball had grown on her ovary. She had to have surgery to remove her entire ovary. She's not here this morning. She's in a doctor's office right now. Since last year's surgery, she's been experiencing night sweats, weight gain, and other symptoms of early menopause as a result of the removal of her ovary. She's 32 years old. As she put it: ''If my body is indeed in early menopause, no fertility specialist in the world will be able to help me have my own children. I will have no chance at giving my mother her desperately desired grandbabies, simply because the insurance policy that I paid for totally unsubsidized by my school wouldn't cover my prescription for birth control when I needed it.'' Now, in addition to facing the health complications that come with having menopause at an early age—increased risk of cancer, heart disease, osteoporosis, she may never be able to be a mom.

Perhaps you think my friend's tragic story is rare. It's not. One student told us doctors believe she has endometriosis, but it can't be proven without surgery, so the insurance hasn't been willing to cover her medication. Last week, a friend of mine told me that she also has polycystic ovarian syndrome. She's struggling to pay for her medication and is terrified to not have access to it. Due to the barriers erected by Georgetown's policy, she hasn't been reimbursed for her medication since last August. I sincerely pray that we don't have to wait until she loses an ovary or is diagnosed with cancer before her needs and the needs of all of these women are taken seriously.

This is the message that not requiring coverage of contraception sends. A woman's reproductive healthcare isn't a necessity, isn't a priority. One student told us that she knew birth control wasn't covered, and she assumed that's how Georgetown's insurance handled all of women's sexual healthcare, so when she was raped, she didn't go to the doctor even to be examined or tested for sexually transmitted infections because she thought insurance wasn't going to cover something like that, something that was related to a woman's reproductive health. As one student put it, ''this policy communicates to female students that our school doesn't understand our needs.'' These are not feelings that male fellow students experience. And they're not burdens that male students must shoulder.

In the media lately, conservative Catholic organizations have been asking: what did we expect when we enrolled at a Catholic school? We can only answer that we expected women to be treated equally, to not have our school create untenable burdens that impede our academic success. We expected that our schools would live up to the Jesuit creed of cura personalis, to care for the whole person, by meeting all of our medical needs. We expected that when we told our universities of the problems this policy created for students, they would help us. We expected that when 94% of students opposed the policy, the university would respect our choices regarding insurance students pay for completely unsubsidized by the university, especially when the university already provides contraceptive coverage to faculty and staff. We did not expect that women would be told in the national media that if we wanted comprehensive insurance that met our needs, not just those of men, we should have gone to school elsewhere, even if that meant a less prestigious university. We refuse to pick between a quality education and our health, and we resent that, in the 21st century, anyone thinks it's acceptable to ask us to make this choice simply because we are women.

Many of the students whose stories I've shared are Catholic women, so ours is not a war against the church. It is a struggle for access to the healthcare we need. The President of the Association of Jesuit Colleges has shared that Jesuit colleges and universities appreciate the modification to the rule announced last week. Religious concerns are addressed and women get the healthcare they need. That is something we can all agree on. Thank you.

Mrs. BOXER. Madam President, this is a panel of men who were called by House Republican Chairman ISSA to testify about women's health—not one woman there, but they were the experts. They denied this woman the chance to speak. If she had been allowed to speak, this is what she wanted to say:

She had a friend who went to the doctor, and the friend had a cyst on her ovary. The doctor said: You have to take birth control. That is going to help. Those pills are going to help reduce the size of that cyst.

She couldn't afford the birth control pills and her employer wouldn't cover them, so she couldn't take them. She is a student. She wrote her friend saying that the cyst ''was so painful, I woke up thinking I'd been shot.''

I will quote part of the friend's testimony relaying what her friend told her.

Without taking the birth control, a massive cyst the size of a tennis ball had grown on her ovary. She had to have surgery to remove her entire ovary. She's not here this morning. She's in a doctor's office right now. Since last year's surgery, she has been experiencing night sweats, weight gain, and other symptoms of early menopause as a result of the removal of her ovary. She's 32 years old. As she put it, ''If my body is indeed in early menopause, no fertility specialist in the world will be able to help me have my own children. I will have no chance of giving my mother her desperately desired grandbabies, simply because the insurance policy that I paid for totally unsubsidized by my school wouldn't cover my prescription for birth control when I needed it.''

And so her friend says:

Now, in addition to facing the health complications that come with having menopause at an early age—increased risk of cancer, heart disease, osteoporosis—she may never be able to be a mom.

So when we talk about the Blunt amendment, we are not talking about some obtuse issue, we are not talking about some philosophical issue. What we are talking about when we talk about the Blunt amendment is a young woman, a student at law school who couldn't afford to pay for the birth control pills which would have saved her fertility, which would have saved her horrific pain—a painful operation where she lost her ovary simply because she couldn't have access to her birth control pills.

This is not about some argument that doesn't have real consequences for our people. The Presiding Officer's constituents and my constituents deserve

to have access to preventive care. They deserve to have access to essential health care. The Blunt amendment will take that away from them. It will take that away from them. And all on a highway bill. All on a highway bill.

So let's keep the Blunt amendment away from this highway bill. This highway bill is a product of strong bipartisanship, as the Presiding Officer has told the Senate. Let's keep it clean. Let's keep out these extraneous amendments that will roll back environmental laws that are cleaning up the air, that will keep the arsenic and the mercury out of the air and the lead out of the air. Let's not roll back these laws on a highway bill. Let's get the highway bill done. When we have other arguments about other issues, let's put those issues on a relevant bill.

This is the time now for us to pull together, not pull apart. The Nation needs us to work together. It is an election year, and it is a difficult time. There is a lot of name-calling going on out there on the campaign trail, but we are still here, last I checked, and we are supposed to be doing our work for the American people. We have a chance to do it on this highway bill. Let's defeat the Blunt amendment in the morning.

I thank my friends for coming over to the floor and speaking so eloquently today against this dangerous, precedent-setting Blunt amendment that will turn back the clock on women's health and on our families' health.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. KLOBUCHAR. Mr. President, I rise to join my colleagues in opposition to the amendment offered by Senator BLUNT.

It is discouraging that when we should be having a debate on our Nation's infrastructure and surface transportation needs, we are instead talking about women's health and contraception. As the Senator from California noted earlier, my State is a State that understands the importance of upgrading our infrastructure and investing in surface transportation. I live just a few blocks from the bridge that collapsed in the middle of that river on that sunny day in Minnesota, an eight-lane highway, in the Mississippi River. So we understand the importance of investment in infrastructure, and that is what we should be focusing on in this bill. Instead, we have taken a different turn.

I understand there are many different perspectives and opinions when it comes to issues related to contraception and women's health; however, we shouldn't be talking about them when we are supposed to be talking about infrastructure, highway, roads, and bridges. People are free to give speeches, they are free to talk about whatever they want, but this amendment doesn't belong on this bill. Nevertheless, it is here, and I think it is very important that we address it and the American people understand what it would mean.

Unfortunately, this amendment impacts more than just contraception. This amendment ultimately limits our ability to address our health care challenges through prevention and wellness. Chronic conditions such as diabetes, heart disease, and cancer can be avoided through prevention, early detection, and treatment. We all know that. That is pretty common knowledge in our country.

During health care reform, we made great strides in improving the health and well-being of our Nation by strengthening preventive services. We addressed prohibitive costs by eliminating copays and cost sharing for essential services such as mammograms and colonoscopies. We addressed access issues by ensuring coverage for preventive autism or cholesterol screenings, to name a few. I also fought to include the EARLY Act, which promoted early detection for breast cancer for young women. These types of preventive and early detection services are vital to so many people in this country.

As a cochair of the Congressional Wellness Caucus, a bipartisan caucus, I have also heard from numerous employers that understand a healthy workforce only increases productivity and output. It would be unfortunate if we eliminated access to prevention and wellness services that keep our Nation's workforce strong and productive. Because of the necessity of these services and the benefits they provide to men, women, and children, including contraception, I asked my colleagues to oppose the Blunt amendment.

The Blunt amendment would allow any employer or insurance company to refuse to cover any of the prevention services, any essential health benefit or any other health service required under the health care law, allowing these entities to deny critical health care to the millions who rely on these entities for insurance. The consequences of this provision could mean employers and other organizations for any reason refusing to offer coverage of lifesaving preventive services such as mammograms or tobacco cessation would be based on employer discretion. That is why I don't think it is a surprise that organizations such as the American Cancer Society, the American Academy of Pediatrics, the American Public Health Association, and the March of Dimes oppose this amendment.

I think we all know the American Cancer Society, March of Dimes, American Academy of Pediatrics, and these groups tend not to get involved in contraception issues, and that goes to show us right now this amendment is much broader than just talking about contraception.

According to the American Cancer Society:

> Annually, seven out of ten deaths among Americans are attributed to chronic diseases such as cancer, diabetes, heart disease and stroke. The Affordable Care Act made significant strides to stem this epidemic by ensuring patients would have access to essential care that could address prevention, early detection, and treatment—all necessary elements to improve the health and well-being of our nation. Unfortunately, the expansive nature of the proposed Blunt amendment would directly undercut this progress.

I am concerned the broad-based nature of this amendment would prevent men, women, and children from getting the preventive services they need as a result of the personal beliefs of a single individual or an employer or an insurance company. I do not believe this is the way to protect Americans in need of health care services, and I urge my colleagues to oppose this amendment.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BLUMENTHAL. Mr. President, I come to the floor today with sadness and reluctance because we are actually debating an extraordinarily worthwhile, even historic bill that would not only improve our infrastructure—our roads and bridges and highways in the State of Connecticut and throughout the country—but also provide jobs, enable more economic growth, and promote the effort to put Connecticut and our country back to work. My reluctance is we are debating an amendment that distracts from that essential task, the work that the Nation elected us to do, to make our priority creating jobs and promoting economic growth.

We are debating an amendment that seems fundamentally flawed. I am respectful, as is everyone in this body, of the moral convictions and religious beliefs that others may hold. I believe this amendment is unconstitutionally overbroad and vague. It is unacceptably flawed in the way it is written because it essentially gives every employer—anytime, anywhere, with respect to any medical condition, any form of treatment—the right to deny that essential health care and those services based on his or her undefined religious beliefs or moral convictions—quoting from the language itself, ''religious beliefs'' or ''moral convictions''—without any defining limits.

Insurance companies can even deny a person coverage for mental health treatment or cancer screening or HIV and AIDS screening simply because that employer or insurance company

may believe the causes of those conditions somehow violate his or her religious beliefs or moral convictions. This amendment would threaten access to a number of clinical preventive services such as diabetes screening, vaccinations or cancer screenings, essential preventive services that have been proved to reduce health care costs and save lives. Those services should be guaranteed to every American without cost.

In my home State of Connecticut, one of the smallest States in the country, approximately 270,000 women would lose access to preventive care if this amendment is agreed to. Around the country some 20 million women would lose that kind of access to preventive care. That is a result that simply is unacceptable. The amendment goes too far. It would endanger the lives of millions of Americans, would completely undermine the progress—and we have made progress—in providing crucial health care services to millions of individuals.

I oppose this amendment because of its practical implications, because of its apparent unconstitutionality, and because it flies in the face of sound public policy. At a time when we are considering a bill, the transportation measure that deservedly has broad, widespread, bipartisan support in this Chamber and across the country, we are again polarized, Republican against Democrat, regrettably divided and potentially gridlocked because of an amendment that has nothing to do with transportation or putting America back to work. That should be our task. It is my priority. It should be the priority of this Chamber at this historic moment when we are reviving a still struggling economy, when people are hurting, striving to find work, and when we should be doing everything in our power to put America and Connecticut back to work and enable economic growth.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

Mr. AKAKA. Mr. President, I ask unanimous consent to speak before the Senate for 10 minutes.

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

Mr. AKAKA. Mr. President, I rise to urge my colleagues to oppose the Blunt amendment, which could lead to devastating health outcomes for over 20 million women across our country. Just 2 weeks ago, I applauded the Obama administration's decision to require health insurance plans to provide coverage of FDA-approved contraception needed for women's health care without copays beginning this August. The final rule issued by the Department of Health and Human Services was a tremendous step toward improving the health of our Nation's women and their families—a step that was long overdue and one made with due respect for all Americans' religious freedom.

Tomorrow, we will be voting on an amendment that would not only undo that progress, it would move us backward. What is especially frightening is that this amendment goes much further than just reversing the rule because it is not limited to religiously affiliated entities. The proposal would allow any employer or health plan issuer to refuse coverage of any service for any reason, not just religious objections. If an employee had any moral objection, it would be permitted to refuse coverage for critical care such as alcohol and other substance abuse counseling, prenatal care for single women, and mental health care too. The way this measure is worded, employees could deny screening and treatment for cervical cancer because it is related to HPV or refuse HIV-AIDS testing and treatment due to an objection to ways the viruses can be transmitted. They could even refuse to cover certain FDA-approved drugs and treatments because they object to the research that led to the drug's development.

Major national pediatric organizations recently voiced their concern that if this amendment becomes law, employers who say they object to childhood vaccines on the basis of personal beliefs could refuse to cover these lifesaving and otherwise costly medical services. In short, this amendment allows corporations nationwide to overrule the religious and ethical decisions made by the people they employ and to trump the health care advice of their doctors.

If this amendment passes, it will discriminate against most of those who need financial support, and that is not right. All Americans deserve access to health care. We cannot allow partisan ideology to hurt the health of our women and children. If we do, our sisters, daughters, and granddaughters will pay the price. If we defeat this amendment, the final rule will save most American women who use contraceptives hundreds of dollars each year in health care costs. Health experts agree that birth control helps to save lives, prevent unintended pregnancies, improve outcomes for children, and reduce the incidence of abortion.

Another point raised by my colleagues, Senators GILLIBRAND and BOXER—and I thank them for promoting awareness on this issue—is that 14 percent of women who use birth control pills, and that is 1.5 million American women, use them to treat serious medical conditions. Some of these conditions include endometriosis, ovarian cysts, debilitating monthly pain, and irregular cycles.

Religious principles are deeply important to me as a Christian, so I am glad the current rule accommodates conscience objections and exempts religiously affiliated organizations from both offering and paying for birth control coverage for their employees. At the same time, the core principle of ensuring all women's access to fundamental preventive health care remains protected because the care will be offered directly by the insurance companies. To deny any women access to affordable health care—as this amendment would do—is unconscionable. It could have devastating effects not only on her health but her family's as well.

In speaking with women's health advocates and providers in Hawaii and across the country, one of the most common recommendations I hear for improving women's health outcomes is to ensure access to effective contraception. Across the State of Hawaii about 150,000 women seek access to birth control every year, and almost half of them depend on financial assistance to obtain it. Right now, women in States that do not have plans that cover birth control face costs of around $600 per year. Women and families who cannot afford it can end up facing tens of thousands of dollars in costs arising from complications from unintended pregnancies and other health care problems, costs that taxpayers often end up supporting.

With these facts in mind, I am not surprised that a survey has shown that 71 percent of American voters—including 77 percent of Catholic women voters—support the administration's requirement to make birth control available to all women. I firmly believe religious liberty is protected under the new rule, while access to preventive care does not discriminate against anyone, no matter whom they work for or what their occupation is.

I urge my colleagues to join me in voting against this dangerous amendment, which would set back improvements in preventive services and women's health care in this country.

I yield back the remainder of my time and suggest a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

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

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

Mr. DURBIN. Mr. President, tomorrow morning, the Senate will vote on a measure which is controversial and has gathered a lot of attention across America. It is an amendment offered by the Senator from Missouri, Mr. BLUNT, and it relates to the health services that will be available to people across America and it calls into question an issue which we have debated

since the earliest colonists came to this country; that is, the appropriate role of religion and government in America. It is an issue which has been hotly debated and contested in the earliest days of our Nation and was finally resolved by our Constitution in a manner that has served us well for over two centuries.

The Constitution speaks to the issue of religion in three specific places. It states in the first amendment that we each have the freedom of religion; that is, the freedom to believe or not to believe. It says there will be no official State religion; whereas, in England they chose the Church of England, but in our government there will be no choice of any religion.

Finally, there is a provision which says that there shall be no religious test for office. These are all constitutional provisions which, though sparing in language, have guided us carefully through over 200 years of history. We see around the world where other countries have not been as fortunate to come together in basic principles that have kept a diversity of religious belief alive in the country. Time and again we have seen differences when it comes to religion lead to conflict and death. We see it today in many places around the world. So when our government is called on to make a decision relative to the role of religion in American life, we should take care to stick to those basic principles that have guided us for over two centuries.

The issue before us today is what will be the requirements of health insurance that is offered by employers across America. What we have tried to establish are the essentials and basics of health insurance and health care. We are mindful of the fact that if the market were to dictate health insurance plans and policies, they may not be fair to the people of this country. I recall an instance before I came to Congress while working in Illinois where we learned that health insurance companies were offering policies which refused to cover newborn babies in the first 30 days of their life. Of course, that was done for economic reasons, because children born with a serious illness can be extremely expensive in that 30-day period. We changed the law in Illinois and said, if you want to cover a maternity, if you want to cover a child, it is from the moment of birth. That became the policy: to establish basic standards so that families buying these policies would have the most basic protections.

This issue we are debating with the Blunt amendment is what will be required of health insurance policies across America when it comes to preventive care. We asked the experts: What basics in preventive care should be included to make certain we don't overlook something that is fundamental to a person's survival or life? One of the things they said is when it comes to preventive care, to offer to women across America family planning services. That, of course, is the nub of the controversy, the center of it.

Some religions—the Catholic religion in particular—have strongly held beliefs about family planning. They have been opposed to what they call artificial forms of birth control from the beginning. At this point, the controversy came up—although those religious institutions that are strictly religious, such as the church rectory, the convent, and the like, are exempted from any requirements when it comes to health insurance—what of those religious-sponsored institutions such as universities, hospitals, and charities? What should their requirements be when it comes to health insurance for their employees? So the Obama administration said their employees should also receive the most essential and basic services, including preventive care for women, including family planning, and that is when the controversy lit up.

The President came to what I thought was a reasonable compromise, and here is what it says: A religious-sponsored university hospital, charity, or the like will not be required to offer health services such as family planning if it violates their basic religious beliefs. Their health insurance policy will not be required to cover those services. However, if an individual employee of that religious-sponsored institution chooses on their own initiative to go forward to the health insurance company, they can receive that service without charge. So the women will be offered these preventive care services, which are essential to their health, and yet there will be no requirement of the sponsoring institution to include those services. It is strictly a matter of the employee opting for that coverage.

Now comes the Blunt amendment. Senator BLUNT of Missouri said we should go beyond that and allow employers and insurance companies across America to decide the limitations of health insurance policies if those limitations follow the conscience and values of the employer. Keep in mind, we have gone way beyond religious-sponsored institutions; we are talking about individual employers making that decision.

Think of the diversity of opinion and belief across America, and imagine, then, what we will come up with. We have heard many things mentioned on the floor. My colleagues have made reference to individuals who may have a particular religious belief, and own a business that has no connection at all to a religion otherwise, and decide then that under the Blunt amendment they will limit health insurance coverage accordingly. We can think of possibilities. Someone believes in conscience that a woman should never use birth control and says, then, that it will be prohibited from being offered by the health insurance policy of that employer. At the end of the day we would have a patchwork quilt of health insurance coverage and many people in this country—men and women—denied basic health coverage in their health insurance because the employer believes in conscience it shouldn't be offered. That is an impossible situation. It goes beyond the freedom of religion, to imposing someone's religious belief on another, in a situation that could endanger their lives.

The Blunt amendment would be a step in the wrong direction for this country. I think what the President has seized on is a reasonable course of action, to allow religious-sponsored institutions to follow their moral dictates when it comes to the health insurance they offer, but to still protect the right of individuals to seek the protection they need. I know it is going to be a controversial vote, but it is one that is important, because I think it strikes the right balance. I think it reflects back on decisions and values we have established as a country and that we should work to protect, even in the midst of a Presidential campaign when the rhetoric involved in it is very hot and inflammatory.

SYRIA

Mr. President, I rise to speak of the atrocities that are being committed every day by the Syrian Government against its own citizens—thousands who have stood bravely month after month against unspeakable violence simply to ask for basic political freedoms we take for granted in this country. And I rise to speak of the indefensible and inexplicable support of this brutal regime by Russia.

It has now been almost one full year since the Syrian uprising began in March 2011. By some reports, over 6,000 innocent people—civilians—have lost their lives in Syria. The exact number may never be known. Humanitarian groups have been prohibited from even assisting the wounded, and reporters prohibited from telling the story to the world. Syria's third largest city, Homs, has been bombarded with rockets and bombs by the Syrian military for over 3 weeks with scores of deaths, shortages of food and medical supplies.

One report describes rockets—11 rockets—slamming into a single apartment building in the space of 2 minutes. As soon as the barrage stopped and people started to rush to get away, it started again, killing even more. The result: a horrific trail of death and dying in this building from the fifth floor on down.

Those killed in Syria include two western journalists. Some suspect they might have been targeted. The murder of a well-known video blogger, Rami el-Sayed, supports that claim.

In this photo, my colleagues can see the results of the Syrian Government's bombardment of the city of Homs. Sadly, this is likely one of the many burial ceremonies that the people of that city have had to endure recently. Just a few days ago, it was reported that the bodies of 64 men were covered in a mass grave on the outskirts of the city. The women and children who were with them have gone missing.

The Independent National Commission of Inquiry on Syria, working with the U.N., submitted its most recent report on February 26. It said the Syrian Government has accelerated the killing of its own people, particularly in Homs, resulting in the deaths of nearly 800 civilians in the first 2 weeks of February alone. From the report:

On several occasions in January and February 2012, entire families—children and adults—were brutally murdered in Homs.

It is also noted that protesters have been arrested without cause, tortured, and even summarily executed.

In October, Senators CARDIN, MENENDEZ, BOXER, and I sent a letter to the Ambassador to the United Nations from the United States, Susan Rice, urging that the Syrian Government be referred to the International Criminal Court for possible indictment for war crimes. Certainly the evidence for such charges is overwhelming and continues to this day.

Assad has paid lip service to reforms such as the sham constitutional referendum last Sunday. The document's most important changes included giant caveats that they would, in effect, maintain the status quo as it exists in Syria.

One example is Assad's introduction of Presidential term limits to 2 terms of 7 years each, but the clock wouldn't start until Assad's current term expires in 2014, giving him 14 more years in office, a total of 28 years. Incomprehensible.

Secretary Clinton aptly described the referendum as a cynical ploy, to say the least.

On February 17, the Senate unanimously passed a resolution that:

Strongly condemns the government of Syria's brutal and unjustifiable use of force against civilians, including unarmed women and children and its violations of the fundamental human rights and dignity of the people of Syria.

Additionally, the U.N. General Assembly on February 16 passed a resolution by a vote of 137 to 12:

Strongly condemning continuing widespread and systematic human rights violations by the Syrian authorities.

Last Friday, more than 60 governments and organizations gathered in Tunis under the auspices of the Friends of Syria rubric and they called for an immediate cease-fire, the provision of humanitarian aid, and a U.N. peacekeeping force.

The international community has coalesced in support of the Syrian people. I wish to recognize once again the leadership of the Arab League in building this consensus against the bloodshed. Even some U.N. Security Council members such as India and South Africa, that early on had concerns about speaking out, can no longer stand by silently as the killing continues. In the most recent U.N. Security Council vote earlier this month, they chose to do the right thing and to vote in favor of the latest resolution backing the Arab League peace plan.

However, as sad as it is to report, this resolution was vetoed by Russia and China. The exceptions to the international solidarity and support of the Syrian people have been Iran, China, and Russia. While both Iran and China's support for the Assad regime is deplorable, it is even worse in the case of Russia, for it is Russia that has the most blood of innocent Syrian women and children on its hands. Russia is not only protecting President Assad as he kills his own people, but it continues to supply him with the weapons to do it. How can any responsible nation take such action?

In an interview following the Friends of Syria meeting, Secretary of State Clinton said:

It's quite distressing to see two permanent members of the Security Council using their veto when people are murdered: Women, children, brave young men. It's just despicable. And I ask, whose side are they on?

Russia has chosen to align itself with a murderous regime, to impede democratic reform, and to facilitate the killing of innocent people by putting more and more weapons into the hands of those eager to pull the trigger.

Despite 6,000 innocent civilians dying, despite the overwhelming international consensus that Assad has lost legitimacy to lead the Syrian people, Russia continues to sell arms to Syria. According to media reports:

Shipping data shows at least four cargo ships since December that left the Black Sea port of Oktyabrsk—used by Russian arms exporters for arms shipments have headed for or reached the Syrian port of Tartous. Separately was the Chariot, a Russian ship which docked at the Cypriot port of Limassol during stormy weather in mid-January. It promised to change its destination in accordance with a European Union ban on weapons to Syria but, hours after leaving Limassol, reset its course for Syria.

The Russian arming of the Syrian murderers continues.

A Cypriot source said that ship was carrying a load of ammunition and a European security source said the ship was hauling ammunition and sniper rifles of the kind used increasingly by Syrian Government forces against protesters.

I want to show one other photograph I have here in the Chamber. This photo is of one of those Russian warships—an aircraft carrier—docked at the Syrian port of Tartous on January 8. What we could not turn into a poster is the video clip showing the Russian warship captains being greeted like royalty by the Syrian Minister of Defense who went out to personally welcome their ship.

Rebel soldiers and an official who defected from the Government of Syria say Moscow's small-arms trade with Damascus is booming, and that the government doubled its military budget in 2011 to pay for the brutal response to this opposition.

That said, Russia is in a unique position. It has President Assad's trust and confidence—maybe more than any other country. Should Russia choose, it could use this power and influence to constructively broker a real transition and an end to this bloodshed.

The longer President Assad holds power in Syria, the more innocent people will die. The window for a more peaceful transition and ending is closing. Now is the time for Russia to lead in the right direction—to be a responsible global partner, and to be part of a solution in ending the carnage, bloodshed, and death in Syria.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from West Virginia.

TRIBUTE TO SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE

Mr. MANCHIN. Mr. President, I rise today to recognize two pillars of West Virginia—an educational institution that is educating the people of our State for good-paying jobs they are going to need and a beloved figure who put our State at the forefront of advances in mental health.

First, please allow me to recognize Southern West Virginia Community and Technical College for its distinguished ranking as the 14th best community college in the Nation because of all the work its staff and students have done together to develop the skills necessary to compete in the workplace.

All of us in my great State know about Southern's dedication to active and collaborative learning, and we are so proud that Washington Monthly recognized the school's achievements in its most recent rankings.

This accomplishment is not the work of any one person, but a shared commitment to excellence from the school's leadership, faculty, staff, and students. I applaud everyone who is involved at Southern for their focus on improving educational quality through strengthened student engagement and student success.

In addition, I am so pleased that Southern is thriving under the steadfast leadership of President Joanne Jaeger Tomblin, who is also serving the public as West Virginia's First Lady. For more than 12 years, Joanne has been the visionary and the driving force behind many of these accomplishments. Her unwavering enthusiasm and tireless dedication transcend geographical barriers to bring extraordinary educational opportunities to all of southern West Virginia.

I tell young people all the time that they cannot sit on the sidelines and watch life happen. They have to get in the game and start making the calls. The same goes for those students who are returning to school for training or who are taking the initiative to take their careers to the next level.

Southern helps all students—those who are just starting out and those who are in the middle of their careers—build critical skills and get an education to become a workforce that will meet our needs in the 21st century and beyond. Every day, these students and their teachers are doing the hard work

that will make our great State and country competitive by finding new ways to create good jobs and rebuild our economy.

Again, I am so proud of this accomplishment at Southern, and it is just one example of what we can achieve when we all work together.

REMEMBERING DR. MILDRED MITCHELL-BATEMAN

Mr. President, I also rise today to recognize the accomplishments and life of a mental health pioneer and a most beautiful and true West Virginia hero, who we were so sad to lose last month. It is only fitting to honor her today on the last day of Black History Month.

Dr. Mildred Mitchell-Bateman leaves behind a remarkable legacy. She transformed care for mentally ill patients by working tirelessly to provide hope to people who were once believed to be untreatable. Her work emphasized the importance of family and community—two values we hold so dear in West Virginia—and she put a high priority on making sure people received care near their homes.

Mildred Mitchell made West Virginia her home in 1946, when she was hired as a staff physician at West Virginia's Lakin State Hospital, which at the time was a hospital for mentally ill patients who were African American. There she met and married her husband William L. Bateman, a therapist at Lakin and a native West Virginian.

Throughout her 89 years, Mildred Mitchell-Bateman remained committed to serving those without a voice in our community. After leaving Lakin to practice medicine privately, Mildred returned to the hospital as the clinical director, and 3 years later was promoted to superintendent. In 1962, Mildred was named as the director of the State's Department of Mental Health, becoming the first African-American woman to lead a West Virginia State agency.

Mildred's vision for psychiatric care extended beyond West Virginia, earning her national recognition and requests for service. In 1973, she became the first Black woman to serve as vice president of the American Psychiatric Association. A short time later, she was appointed to the President's Commission on Mental Health, where she played an important role in the creation of the 1980 Mental Health Systems Act.

Dr. Mitchell-Bateman was a doctor, a teacher, and a pioneer. Her accomplishments are made even more remarkable by the adversity she faced. Her life serves as a powerful example to us all of what one can accomplish with conviction, dedication, and true West Virginia grit.

Mildred Mitchell-Bateman will forever be remembered for her many years of dedicated service to the Mountain State, her passion and dedication to the mental health community, and for touching the lives of so many patients. On top of that, she was also a loving mother to seven children, and a very proud grandmother to ten wonderful grandchildren.

Gayle and I are keeping the Mitchell-Bateman families in our hearts and prayers. While we know that Mildred Mitchell-Bateman is gone, her legacy and service to the people of West Virginia will keep her alive in our hearts forever.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, we have had a long discussion today on the amendment to the surface transportation bill offered by my colleague and friend from Missouri, Senator BLUNT. I think the discussion has shown pretty clearly that the amendment by the Senator from Missouri is both way beyond the scope of what most people envisioned and is extreme. It is way beyond the scope because it would cause the deprival of certain types of health care to perhaps millions of Americans in areas that go way beyond contraception.

All an employer would have to do is say they have a moral objection to providing vaccinations and they would not have to provide health care. Maybe the employees could sue or go to court for 10 years and figure this out, but that is not what we want. So it would be a giant step backward in terms of health care.

It is also a giant step backward in terms of depriving millions of American women of contraception. In a sense, this is a ban on contraception, at least for the millions of American women whose employers would say they do not want to provide contraception. Some might be motivated by religious beliefs, some might be motivated by simply saving money, and we would never know except after long and costly litigation. Again, that would deprive the employee of contraception for a very long time.

I think if people listened in on this debate, they would say this was a debate occurring not in 2012 but maybe in 1912 or even 1812 because issues such as a woman's right to contraception without the employer making a determination have long been decided by this country. We have seen the statistics. The overwhelming majority of Americans of every faith believe contraception should be available.

So the debate has been pretty clear. I think the other side is making a huge mistake—certainly substantively, and in my judgment politically—so much so that today the leading Presidential candidate on the Republican side, when asked whether he supported the Blunt amendment said, no; he did not think Congress should be getting involved in contraception. Mr. Romney said we should not be doing this amendment, and he did not support it, unequivocally and clearly.

A few hours later, of course, his folks walked that back, probably because of political pressure. He is facing Republican primaries where this issue is debated seriously, even if the rest of America does not believe that it should be debated. But what it shows is even when a leading candidate of the other side who is seeking votes from the hard right has doubts about whether this is a good idea, those doubts are real.

The other side should make a retreat. Our Republican colleagues should not make the same mistake they made on the payroll tax deduction by appealing to an extreme group. They should back off this amendment. They should vote with us, and we should move on and debate the highway bill and put millions of Americans to work and update our infrastructure.

Mr. LEVIN. Mr. President, the amendment we are considering today represents a direct assault on access to preventive health care services for millions of women in this country. The ostensible purpose of this proposal is to protect the rights of conscience of any employer or healthcare insurer, religious or secular, who may have a religious or moral objection to providing family planning services free of charge to their employees. I respect and will defend the moral values of employers and insurance companies. But I also respect the moral values of people who need medical services. So we will end up deciding whether or not to deny access to critical and possibly lifesaving health services for millions of people in this country, not whose religious or moral values have precedence.

As drafted, Senator BLUNT's amendment would grant employers and health insurance companies the power to deny access to not just preventive healthcare services for women, but any healthcare service, for anyone, regardless of its nature. This means any employer could choose to deny employees insurance coverage for such things as children's immunizations; mammograms; lifesaving cancer treatments; or blood transfusions simply because that employer may find these or any other healthcare services morally objectionable.

For the Senate to pass such a policy would be indefensible. It would go far beyond nullifying the administration's rule to implement provisions in the Affordable Care Act requiring access to some preventive services at no cost. Instead, this amendment would codify infringement on personal healthcare decisions, would grant an employer the right to substitute his moral convictions for those of his employees, and would effectively deny access to critical healthcare services.

Considering that some of my colleagues vociferously defend the idea of personal liberties, I am truly surprised they would support a policy to undermine those same liberties by handing

power over an individual's personal healthcare decisions to that individual's employer or his insurance company.

This body took a bold and historic step by enacting healthcare reform in 2010. We accomplished something that had eluded the country and the Congress for decades. The law recognizes that women have specific medical needs and that gaps have historically existed in preventive care for women. And it correctly called for specific steps to address that. We should not now support policies that would not only walk these advances back, but take giant leaps backwards in access to healthcare services for everyone. I urge our colleagues to vote against this amendment.

Mr. LEAHY. Mr. President, I am proud to join Senator KOHL and have long supported the No Oil Producing and Exporting Cartels Act, NOPEC. We were able to pass this NOPEC bill as a response to the OPEC oil cartel by a vote of 70 to 23 a few years ago. The Senate should pass it again. This time, the House should also adopt this sensible application of our antitrust laws to those who fix prices and manipulate the oil market to the detriment of American consumers.

We should be doing what we can to ensure that oil prices are not artificially inflated. That affects gas prices at the pump. This NOPEC amendment will hold accountable the collusive behavior that artificially reduces supply and increases the price of fuel. The rise and fall of oil and gas prices has a direct impact on American consumers and our economy. We should increase accountability and take away the profits of those who manipulate prices and supply to their benefit and unfairly prey upon consumers.

On Monday, the U.S. Energy Information Administration reported that prices for regular gas rose 13 cents per gallon last week to a nationwide average of $3.78. Gasoline pump prices are up 34 cents a gallon over last year. The Senate Judiciary Committee held a hearing on the skyrocketing price of oil in May 2008, but these recent increases in price have led to renewed calls for investigation into their causes. We already know one significant cause: anticompetitive conduct by oil cartels.

The artificial pricing scheme enforced by OPEC affects all of us. Fuel prices are on the rise and American consumers and businesses are feeling the pain at the pump. This week Vermonters are paying $ 3.79 for a gallon of regular gasoline; last week, Vermonters were paying $3.70—a price jump of 9 cents in just 1 week. In 2011, the price for certain fuels rose by as much as one-third from 2010, according to the Vermont Department of Public Service. These prices affect everyone. These high fuel prices hit Vermonters especially hard in even the most mild of winters.

In rural States such as Vermont, the cost of simply getting to work or to the grocery store because of high gas prices can further hurt already strapped household incomes. Vermont farmers shoulder the burden of surging fuel prices year-round, regardless of the season. Higher fuel prices can add thousands of dollars in yearly costs to a 100-head dairy operation in the Northeast.

As we head into the summer months, when gas prices typically increase, soaring prices at the pump can affect the tourism industry, an economic driver in vacation destinations such as Vermont. As our summer months approach, many families in and around Vermont are going to find that OPEC has put an expensive crimp in their plans. Some are likely to stay home, others will pay more to drive or to fly so that they can visit their families or take their well-deserved vacations.

American consumers should not be held as economic hostages to the whim of those who collude unfairly for their gain. We should not permit anyone to manipulate oil prices in an anticompetitive manner. The collusive behavior of certain oil producing nations has artificially and drastically reduced the supply and inflated the price of fuel. Put simply, the behavior of these oil cartels, which would be illegal under antitrust laws, harms American consumers and businesses and our recovering economy.

Authorizing action against illegal oil price fixing and taking that action without delay is one thing we can do without additional obstruction or delay. Our amendment would allow the Justice Department to crack down on illegal price manipulation by oil cartels. This bill will allow the Federal Government to take legal action against any foreign state, including members of OPEC, for price fixing and artificially limiting the amount of available oil. While OPEC actions remain sheltered from antitrust enforcement, the ability of the governments involved to wreak havoc on the American economy remains unchecked.

Our antitrust laws have been called the ''Magna Carta of free enterprise.'' If OPEC were simply a foreign business engaged in this type of behavior, it would already be subject to them. It is wrong to let OPEC producers off the hook just because their anticompetitive practices come with the seal of approval of national governments.

In the past, our NOPEC legislation has had bipartisan support. A few years ago it passed overwhelmingly. By passing this legislation, we can say no to OPEC.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

TRIBUTE TO MS. PAULINE WHITE

Mr. MCCONNELL. Mr. President, I rise to pay tribute to a woman who has answered a call to service, and given so freely of herself over the course of her fruitful lifetime. Ms. Pauline White of Cumberland, KY, has not ceased giving to her fellow man, even though she is entering her 80s. Contrary to what one may think, Ms. White has not let her age stop her from participating in the missionary work that is so dear to her heart.

Ms. White, who was working as a missionary in Sebring, FL, at the Association for Retarded Citizens in 2002, felt that she was called by God to come and bring aid to eastern Kentucky. She put up a ''For Sale'' sign in her yard, and called a few of her lady friends to come over and help her begin to pack her belongings. Just a few hours later a couple knocked on the door, asked about the price of the house, and ended up buying the house in cash later that day. Ms. White did not worry about selling her house for long, which she believed was just another sure sign from God that her journey to Kentucky was part of His plans.

Ms. White is now the director of Shepherd's Pantry, an outreach program in Cumberland, KY, that provides food for 500 to 900 low-income families on the second Wednesday of each month. Families that participate in the program are assigned appointments to come to the pantry and receive what Ms. White and her volunteers have worked so hard to prepare for them. At the pantry, the families are given food, personal hygiene items, and treats for their children. But according to Ms. White, the most important thing the families receive from Shepherd's Pantry is the Gospel of Jesus Christ. The volunteers at the pantry drop gospel tracts in each of the bags that the families receive, and then they wait for the Lord to move. The staff is always available to provide those in need with spiritual counseling.

Along with their aid of food to families in need, Shepherd's Pantry also distributes government commodities to low-income families, supplies breakfast for schoolchildren, and provides snacks to mission groups throughout the area.

Shepherd's Pantry has attracted volunteers from as far as Florida, and as close as London, KY. The volunteers come to witness God's work in the community. And according to Ms. White, they have yet to be disappointed. She says that God performs miracles week after week.

Ms. White recalls one instance when the computer wiped out all of the