

group Rosa Blanca, or White Rose. This organization was formed by his father, Rafael, in order to counter the totalitarian and collectivism objectives of the Castro regime.

As LINCOLN begins this new stage in his professional and personal life, I know that our entire south Florida community, as well as my esteemed colleagues in the Congress, wish him and his family, his dear wife Cristina, and his sons, Danny and L.G., nothing but the best. Godspeed, my friend.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### AFFORDABLE CARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COURTNEY) is recognized for 5 minutes.

Mr. COURTNEY. Madam Speaker, yesterday Virginia District Court Judge Henry Hudson's decision striking down one provision of the Affordable Care Act has generated a lot of noise in the last 24 hours.

Opponents of health care reform are celebrating as if the whole law was struck down, even though Judge Hudson refused the Commonwealth of Virginia's request to strike down the entire law and Judge Hudson refused the Commonwealth of Virginia's request to stop implementation of the health care bill which has been proceeding since last March.

Thank goodness the judge had enough common sense not to stop the health care bill's important protections for families and patients that have been implemented since last March, such as age 26 dependent coverage which employers all across America have been implementing since last July, giving families the opportunity to keep children covered on their family's health insurance plan up to age 26; such as protections like the elimination of insurance company rescissions of coverage, the practice of denying claims after the fact, many times after patients have had surgery or have had treatment; such as the \$250 payments, which seniors who fell into the part D doughnut hole received in 2010; such as the 50 percent discount for brand-name medications, which seniors in the doughnut hole will start to receive starting on January 1; such as the new Medicare coverage for annual checkups, cancer screenings, smoking cessation, vaccinations for flu, which the new health care bill will provide starting on January 1; such as the early retiree reinsurance program, which employers all across the country, private employers as well as public employers, are using to stabilize age 55 and up retirement health benefits, in-

cluding 96 plans just in the Commonwealth of Virginia alone.

For all the crowing and boasting by opponents of health care reform, there was less there than meets the eye. But there is no doubt that the judge did strike down an important part of the bill, namely, the shared responsibility provision, the requirement that nearly all Americans carry health insurance, a provision which two other district court judges, one in Virginia and one in Michigan, upheld as a proper exercise of Congress' power to regulate interstate commerce.

Judge Hudson ruled that this provision doesn't "fit within the letter or spirit of the Constitution." Well, Madam Speaker, there is a long, long history of Supreme Court cases which have held exactly the opposite of what Judge Hudson wrote.

Indeed, Antonin Scalia, the leader of conservative forces on the U.S. Supreme Court, himself, wrote that Congress has the authority to enact a regulation of interstate commerce, and it possesses every power needed to make that regulation effective.

Using Justice Scalia's interpretation of the commerce clause, it is clear that this bill's provision to eliminate preexisting condition exclusion, the practice by insurance companies for denying coverage for people with cancer, high blood pressure, diabetes, chronic conditions, which require a pooling mechanism which the shared responsibility requirement was designed to accomplish, clearly fits within Justice Scalia's definition of the commerce clause. In fact, we know this from real-life experience.

Seven States tried to enact a guaranteed issuance law requiring insurance companies to insure all people regardless of preexisting conditions, and what happened was that rates went through the roof. Only one State was able to implement a prohibition on preexisting condition exclusions, that was the State of Massachusetts, which was coupled with a shared responsibility mechanism. And, as a result, insurance premiums fell in the individual market by 42 percent.

The impact on interstate commerce in terms of what is happening in the health insurance market could not be clearer. In fact, the trade organization representing America's health insurance industry back in 2008, after the election, made it clear that a shared responsibility mandate requirement is essential to actually executing and performing real reform in the insurance market. Allowing people to enter the market and exit the market when they get sick and when they get better is like insuring a burning building. And the fact of the matter is that the judge's decision, despite the fact that conservative judges like Antonin Scalia have recognized Congress' ability to regulate interstate commerce, which the health insurance industry clearly falls under, would allow for the Congress to set up the real mechanism

to make sure that its goal of eliminating preexisting conditions can actually take place. And the health insurance industry knows over the last 5 years the collapse that has been occurring within the marketplace because of rising premiums.

I come from the State of Connecticut. We have Aetna, we have CIGNA, we have United Health Care. These are the largest plans in the country that are selling to employers, and they have seen the percentage of their coverage across America decline, not since the passage of the health care bill, but going back to 2005. And this measure is designed, in fact, really just to stabilize that private health insurance market.

Madam Speaker, in a few short weeks, new Members of Congress are going to be sworn into office. They are going to be given a PIN that gets them into the building, they are going to be given a voting card, and they are also going to be given an opportunity to enroll in the Federal Employee Health Benefit plan, a purchasing exchange which Members of Congress can participate in, get a nice comprehensive package of benefits, taxpayer subsidies, affordable rates. And on page 29 of this booklet, it makes it very clear that preexisting conditions will not be imposed against them.

The people of this country deserve the same type of coverage. And it is my hope, as the appellate courts review that decision yesterday, that they will uphold the Affordable Care Act's provision to stabilize the private health insurance market.

[Press Release, Nov. 19, 2008]

#### HEALTH PLANS PROPOSE GUARANTEED COVERAGE FOR PRE-EXISTING CONDITIONS AND INDIVIDUAL COVERAGE MANDATE

WASHINGTON, DC.—Health plans today proposed guaranteed coverage for people with pre-existing medical conditions in conjunction with an enforceable individual coverage mandate.

Under the new proposal, health plans participating in the individual health insurance market would be required to offer coverage to all applicants as part of a universal participation plan in which all individuals were required to maintain health insurance.

Health plans also said that premium support for moderate-income individuals and broad spreading of risk was necessary to promote affordability and maintain premium stability in the individual health insurance market.

To ensure that all Americans can access coverage, health plans also reiterated their long-standing support for making eligible for Medicaid every uninsured American living in poverty and strengthening the Children's Health Insurance Program.

"No one should fall through the cracks of our health care system," said Karen Ignagni, President and CEO of America's Health Insurance Plans (AHIP). "Universal coverage is within reach and can be achieved by building on the current system."

The announcement follows a nationwide listening tour conducted by AHIP as part of its Campaign for an American Solution. Concerns about coverage for pre-existing conditions, continuity of coverage for those between jobs and maintaining affordability for those with insurance were raised repeatedly across the country.

"AHIP's Board of Directors is responding to the concerns of the American people by offering a workable solution to ensure that no one is left out of the health care system because of their health, age, income or employment status," said Ignagni.

The new proposal builds on the series of comprehensive reform plans that AHIP's Board of Directors began releasing in November 2006. Further reform proposals addressing the affordability, accessibility and quality of health care are anticipated in the weeks ahead.

**SUMMARY OF AHIP'S PROPOSAL TO GUARANTEE COVERAGE FOR PRE-EXISTING CONDITIONS AND PROMOTE AFFORDABILITY IN THE INDIVIDUAL INSURANCE MARKET:**

Guarantee-issue coverage with no pre-existing condition exclusions;

Establish an individual coverage requirement with an insurance coverage verification system, an automatic enrollment process and effective enforcement of the requirement that all individuals purchase and maintain coverage;

Promote affordability by: providing refundable, advanceable tax credits for moderate-income individuals and working families; and promoting tax equity whether coverage is obtained through an employer or the individual market; and

Ensure premium stability for those with existing coverage through a broadly funded reimbursement mechanism that spreads costs for the highest-risk individuals.

**BACKGROUND ON THE INDIVIDUAL MARKET AND GUARANTEE ISSUE**

AHIP's survey of the individual market shows that individually purchased health insurance is far more affordable and accessible than is widely known. The survey found that 9 out of 10 applicants undergoing medical underwriting were offered coverage. The plans commonly purchased by consumers provided substantial financial protection and a wide range of benefits, including coverage for behavioral health, prescription drugs and preventive services.

Some individuals are unable to purchase individual health insurance coverage in the private market because of their health status. One approach taken by states to address this issue has been the enactment of guarantee issue legislation requiring health plans to offer coverage to all applicants. These well-intentioned reforms have often resulted in severe unintended consequences, including significantly higher costs for all policyholders.

A report by Milliman, Inc. found that enactment of guarantee issue laws in the absence of requirement that individuals purchase coverage may incentivize people to defer seeking coverage until they have health problems—a situation which unfairly penalizes those who are currently insured. According to the report, states that implemented these laws saw a rise in insurance premiums, a reduction of individual insurance enrollment and no significant decrease in the number of uninsured. To learn more about the individual market survey and the Milliman report, please visit [www.ahip.org](http://www.ahip.org).

**IN MEMORY OF PRIVATE SEAN SILVA**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCCLINTOCK) is recognized for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, in the aftermath of the attack of September 11, a young man from Roseville, California, answered his country's call

to duty and volunteered to take the war against radical Islam from our shores to theirs. His name was Sean Anthony Silva.

This Nation survives today and Americans remain safe today because of the idealism, the patriotism, the heroism, and the sacrifice of young Americans like Sean Silva who volunteered to defend us.

Today, they are the first line of defense between the tyranny and terrorism that have arisen in the Middle East and enlightened civilization around the world.

We in the House defend the principles of liberty and justice in this Chamber every day with our words. Men like Sean Silva defend them with their lives.

And on the night of October 9, 2003, Private Sean Silva defended these principles with his life. To understand the character of this young man, you need to understand what led up to that night.

Sean was a young person who saw his country attacked and instinctively rose to defend her. He saw his countrymen threatened and instinctively rose to shield them.

When Sean told his parents, Richard and Donna, that he wanted to enlist, they were obviously quite concerned. His mother worried that Sean would be dispatched to the Middle East within weeks of boot camp. Sean's reply was simple: Mom, I'm ready.

□ 1920

He wanted to be an Army Scout, always leading, always in motion, always protecting the path of his comrades. Sergeant Timothy Sloan of the Army's Roseville, California, recruiting office remembered that Sean "wanted to be out doing things. He didn't want to be sitting behind a desk." Ultimately, he was assigned to the Second Armored Cavalry Regiment based in Fort Polk, Louisiana; and from there, he shipped out to Iraq.

The night of October 9, 2003, he had already returned from one treacherous patrol and was scheduled for another the next day. A night patrol was unexpectedly ordered, and Sean volunteered to go right back out on to the deadly streets of Sadr City, even though it wasn't his turn. His commander reminded him that he had already done much more than duty required, and Sean simply smiled and said, I just want to learn to do my job.

A few hours later, Sean's patrol was ambushed; and in the fierce fighting that followed, he gave what Lincoln called "the last full measure of devotion."

At Normandy, the chapel bears a tribute to those who "endured all, and gave all, that justice among nations might prevail and that mankind might enjoy freedom and inherit peace." At the age of 23, Sean Silva did exactly that.

Sean would have turned 30 this year. No doubt he would be married with

children now, with a promising career, getting ready for the holidays with his friends and family. Instead, his chair remains empty at the family table, and friends still leave messages for Sean at the Fallen Heroes Web site.

There is one in particular that stands out in this season. It comes from a little girl in Fort Jackson, South Carolina, whose father survived that terrible night. It reads: "Thank you Silva for protecting my daddy. He is here today because of direct actions that you have done. Thank you so much."

Sadr City is no longer besieged. Its streets now bustle with commerce and enterprise, and young people look forward to raising their own families and starting their own careers. They do so solely because of the sacrifice made by men like Sean Silva.

That sacrifice is ongoing for Sean's family every single day. I met Sean's father at a Memorial Day event this year. He speaks of his son's death as if it were yesterday.

Time does not heal the wounds borne by our Gold Star families. For them, every day is the day that the casualty officer came to call.

We owe it to these families to honor what Lincoln called "the cherished memory of the loved and the lost." We owe it to these fallen heroes, as Shakespeare said, to see that their "story shall the good man teach his son." And we owe it to ourselves, to our children and to our Nation to remember how precious is the freedom and peace that their sacrifice has purchased.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

**TRIBUTE TO JAMES L. OBERSTAR**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, several years ago, they sent us to a civility conference because they didn't think that Democrats and Republicans were getting along well enough in the Congress, and I have never forgotten something our first speaker said.

David McCullough, the great historian, told a story about a Russian visitor who came up into the House gallery in 1948 and watched for a while, and then he went out and shook his head and he said, "The House is a