

If this amendment passes, it would ban contraception coverage for any woman in America whose boss has a personal objection to it. The measure would force women to surrender control of their own health decisions to their bosses. That concept is not merely quaint or old-fashioned, it is dangerous, and it is wrong.

According to the Department of Health and Human Services, some 20 million American women could be cut off from health services by this proposal. The other side does not want the debate framed in those terms because they know it makes them look silly. So instead, they are spinning.

In the last week, there have been op-eds penned by the minority leader, the junior Senator from Massachusetts, and the junior Senator from Missouri, all seeking to frame this as about protecting religious liberty.

The debate may have been about religious liberty for a time, but now some on the other side have overplayed their hand. They may have started seeking protections for religious-affiliated employers, but now they sense a ripe time to make headway on a far-right social agenda.

The debate reminds me of a famous quote that our former colleague Dale Bumpers used to invoke. It was a quote by H.L. Mencken, who said:

When someone says it's not about the money, it's usually about the money.

Well, when the other side tries so hard to claim this is not a debate about contraception, that is how you know this debate is precisely about contraception.

The amendment is not about religious liberty. The truth is religious institutions have always been exempt under the law from certain coverage requirements. Under the President's compromise, an even larger set of employers—those with a religious affiliation such as certain hospitals and schools—also will not have to pay for contraception coverage. It will, instead, be covered by the insurance company. The President's compromise has been widely embraced, including by many of the same church-affiliated organizations that expressed concern originally.

The administration is working on a solution for self-insured employers. I am confident they will find a way that works for everyone.

The amendment being voted on tomorrow is not responsive to any real concerns about religious freedom. Its reach extends far beyond church organizations that legitimately seek considerations based on conscience. It wants to let any employer in the country decide to cut off services for any reason whatsoever.

Under the guise of religious liberty, some on the hard right are trying to accomplish a political goal: banning contraception more widely. This is a goal the other side has been pursuing for a while now at the State level. At the heart of many of the personhood

proposals being advanced in State legislatures is an attempt to cut off women's access to certain forms of contraception.

Some Republicans in the Senate now seem to want to nationalize this fringe debate over whether contraception should be allowed. It is not a political winner. Even the House Republicans seem to have the good sense not to bring up the amendment on the floor of their Chamber. But here the other side is pushing ahead with the ban.

It is so far-reaching, it has stirred a wide collection of health organizations to speak out against it. These are groups such as the American Academy of Pediatrics, the American Congress of Obstetricians and Gynecologists, the March of Dimes, and Easter Seals. These are groups with no agenda other than protecting the health of those they serve.

In a letter these groups sent earlier this week, they pointed out the wide variety of services that an employer could decline to provide, such as child vaccinations and mammograms.

It is true that all these services and more are threatened by this amendment. But are Republicans against child vaccinations and mammograms? I doubt it. So let's admit what this debate is really about and what Republicans want to take away from millions of American women. It is contraception. We should call this debate and this amendment for what it will be for millions of women whose boss may have a personal objection: This is a contraception ban.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

BICENTENNIAL OF THE WAR OF 1812

Mr. CARDIN. Madam President, I rise today to commemorate the 200th anniversary of the War of 1812 and the "Star Spangled Banner," and to honor the memory of all Americans who came together in America's "Second War of Independence," particularly those fallen heroes who gave their lives during the conflict.

It is important Americans recognize the service and sacrifice of all those who have worn the uniform of this Nation. On behalf of the Senate, I thank the millions of brave men and women who have served in the U.S. Armed Forces and risked their lives for our Nation, including during the War of 1812.

The War of 1812 confirmed America's independence from Great Britain in the eyes of the world. Before the war, the British had been routinely imposing on American sovereignty. They had impressed American merchant seamen into the British Royal Navy, enforced illegal and unfair trade rules with the United States, and allegedly offered assistance to American Indian tribes that were attacking frontier settlements. In response, the United States declared

war on Great Britain to protest these violations of free trade, sailors' rights, and sanctioning raids on American land.

After 2½ years of conflict, the British Navy sailed up the heart of the Chesapeake Bay with combined military and naval forces, and in August 1814 attacked Washington, DC, burning to the ground the U.S. Capitol, the White House, and much of the rest of our capital city. Less than 3 weeks later, the British set their eyes upon the next prize: the strategic port city of Baltimore, MD.

American forces, primarily made up of citizens of Baltimore, prepared Baltimore City's defenses. Marylanders fought the British army during the Battle of North Point and helped repulse the British Navy from Fort McHenry during the now infamous Battle of Baltimore. I want to point out that the American forces during the Battle of North Point were volunteer militia. In the battle, just 250 members of the 5th Brigade of the Maryland Militia, heavily outnumbered by the highly trained British infantry, managed to delay the British forces long enough for 10,000 reinforcements to arrive, preventing a land attack against Baltimore.

The British assault also failed at sea. Following 25 hours of intense British naval bombardment at Fort McHenry, the American defenders refused to yield, and the British were forced to depart. During the bombardment, an American lawyer, Francis Scott Key, who was being held onboard an American flag-of-truce vessel in Baltimore Harbor, beheld, by the dawn's early light, the American flag still flying atop Fort McHenry.

Key realized then that the Americans had survived the battle and stopped the enemy advance. Moved by the sight of the American flag flying over Fort McHenry, he composed the poem called "The Defense of Fort McHenry," which was later set to music, becoming "The Star Spangled Banner" that officially became the National Anthem on March 3, 1931. We will be celebrating this weekend the 82nd anniversary of the "Star Spangled Banner" becoming the official national anthem of our country. The flag that flew over Fort McHenry during that fateful night is now a national treasure on display at the Smithsonian Institution—an inspiration to all Americans—a very short distance from where we are today.

The War of 1812 confirmed the legitimacy of the Revolution and served as a critical test for the U.S. Constitution and our newly established democratic government. Our young Nation battled against the largest, most powerful military on Earth at the time and emerged with an enhanced standing among the countries of the world. A new generation of Americans too young to remember the victory of the Revolutionary War were inspired by Francis Scott Key's poem to take pride in our Nation's flag, which embodies

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