

campaign that while then-Senator Hillary Clinton's plan would require all Americans to purchase health insurance, then-Senator Obama declined to go down that road.

One writer predicted that an economic mandate requiring Americans to purchase a particular product "would give the inevitable conservative opposition a nice fat target to rally around."

That nice fat target was an historically unprecedented expansion of Federal power in violation of the Constitution's commitment to limited government.

Unfortunately, President Obama put the politics of health care reform over any concerns about the constitutionality of the individual mandate.

This is how the journalist Ron Suskind explained the President's conversion:

Obama, never much for the mandate, was concerned about legal challenges to it but was impressed by DeParle's coverage numbers. Without the mandate, the still-sketchy Obama plan would leave twenty-eight million Americans uninsured; with the mandate, the estimates of the number left uninsured were well below ten million.

And so he made his decision.

The President of the United States takes an oath to support and defend the Constitution. As a candidate, and as President, it appears that President Obama was aware of the constitutional concerns with the individual mandate.

But like his progressive forebears, he put his policy desires before the long-term integrity of our Constitution.

Fortunately, the American people were not so quick to put the Constitution second.

Along with a number of my colleagues here in the Senate, I made the case for the mandate's unconstitutionality a priority.

On the first day of the Senate Finance Committee's markup of what would become ObamaCare, I raised doubts about the constitutionality of the individual mandate.

Those doubts were dismissed.

I offered an amendment that would have provided for expedited judicial review of any constitutional challenges to the legislation.

That amendment was ruled out of order.

But the constitutional concerns with this mandate would not be buried.

The people of this country would get their say on this sweeping assertion of Federal power, one far in excess of anything the Founders contemplated.

My State of Utah helped to lead the way, signing on as an original plaintiff in the litigation that is now before the Supreme Court. And I was honored to work with the Republican leader, my friend and colleague, Senator McCONNELL, in developing friend-of-the-court briefs filed at the trial level, at the initial appellate level, and now before the Supreme Court.

Putting aside all of the precedents, this really is a matter of simple logic and common sense.

Our Constitution is one of limited powers. The powers of Congress are few and enumerated. Yet if this mandate is allowed to stand, then there are effectively no limits on the Constitution any longer.

Something has to give.

Either this mandate will stand or our Constitution will stand.

But both cannot survive this litigation.

The Eleventh Circuit got it right in its analysis of this law. This is what they concluded:

Economic mandates such as the one contained in the Act are so unprecedented, however, that the government has been unable, either in its briefs or at oral argument, to point this Court to Supreme Court precedent that addresses their constitutionality. Nor does out independent review reveal such a precedent.

The partisan supporters of ObamaCare will say that this is just the opinion of a conservative court.

But it is also the opinion voiced by the liberal writer Timothy Noah as far back as 2007.

And there is some evidence that it was the opinion of Senator Obama when he declined to endorse a sweeping individual mandate when running for President.

But once elected, President Obama put politics first. In the interest of supercharging the welfare state and passing his signature legislative initiative, he put aside any concerns with the individual mandate and endorsed this unprecedented regulation of individual decisionmaking.

The President should have stuck with his original position.

Those who defend the constitutionality of the individual mandate make an astounding claim—that the decision not to buy something, in the aggregate, substantially affects interstate commerce. Those who defend this position stand for the proposition that the Federal Government can regulate your decision not to do something, that it can regulate not just economic activity but economic inactivity, and that Congress can regulate not just physical activity but mental activity.

If Congress can do these things, Congress has no limits.

A Constitution that creates a limited Federal Government has been transformed into a Constitution that gives plenary, and unconstrained, power to the Federal Government.

This is not only something that the American Founders worked hard to prevent, but it is something that contemporary Americans continue to reject.

There are many reasons to oppose ObamaCare. Today, the administration's allies are touting the benefits of the law for small business. This is laughable.

The administration promised that ObamaCare's small business credit would help more than 4 million small businesses. This was a pretty paltry concession to the businesses that

would be harmed by the employer mandate, new regulations, and half a trillion dollars in taxes and penalties imposed by ObamaCare.

And as could be expected from such a top-down, Washington-centered approach, businesses have been less than eager to take up this complex credit. The administration claimed that 4 million small businesses would use this credit. Yet according to a report from the Treasury Inspector General, after 2 years, only 309,000 taxpayers, or 7 percent of qualified entities, have claimed this credit.

But as bad as ObamaCare's policies are—confusing benefits, heavyhanded mandates, and enormous economic costs for families and businesses—it is the profound unconstitutionality of the law that remains paramount in the minds of most Americans.

Next week, almost 2 years to the day after ObamaCare became law, the Supreme Court will consider arguments in this historic case.

I am confident that when the dust settles, our Constitution will emerge standing and strong.

And I am equally confident that the American people will have the last word on those politicians who chose to look the other way, rather than acknowledge the deep constitutional shortcomings of this unprecedented intrusion on the liberty of America's citizens and taxpayers.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. ED COULTER

• Mr. BOOZMAN. Mr. President, today I wish to honor Dr. Ed Coulter, who is retiring from his position as Chancellor of Arkansas State University Mountain Home (ASUMH) after 16 years of service and a lifetime of dedication to higher education.

Dr. Coulter devoted his life to education and began his career serving as a public school principal for 3 years. He spent the next 25 years working at Ouachita Baptist University as an assistant to the President and Vice President for Administration before joining ASUMH as Chancellor in 1995.

In his 16 years at ASUMH, Dr. Coulter expanded the campus from a small community college into the innovative institution it is today. His enthusiasm and leadership made him a very effective fundraiser which resulted in the expansion of facilities on the 140-acre campus. Under his watch, the \$24 million, 65,000 square-foot Vada Sheid Community Development Center was built, which has become an icon to the campus and community alike.

Along with his commitment to education, Dr. Coulter has worked with numerous professional associations. His roles have included serving as a Chair of the American Association of Community Colleges Board of Directors, American Cancer Society Board of Directors, Arkansas State Chamber

of Commerce Board of Directors, and was corporate board member of the Baptist Medical Center System. He currently serves on the Board of Directors of First National Bank and is a member of the Mountain Home Rotary Club.

I congratulate Dr. Ed Coulter for his outstanding achievements in education and I ask my colleagues to join me in honoring his accomplishments. I wish him continued success in his future endeavors and I am grateful for his years of service and leadership to Arkansas.●

TRIBUTE TO GEORGE MOSES

● Mr. CASEY. Mr. President, today I wish to congratulate George Moses of Pittsburgh, PA, on his selection by the National Low Income Housing Coalition for the Cushing Niles Dolbeare Lifetime Service Award. Mr. Moses has dedicated his life to helping others and this award serves as recognition of a lifetime of service to those in need.

Mr. Moses' life has been one of service, perseverance, and leadership. He served his country as a soldier in the United States Army from 1963 until his honorable discharge in 1965. He then returned to work in Pittsburgh, including as a laborer in the city's steel mills. In 1990, his life underwent a significant change. Following a major surgery, he was unable to climb stairs and as a result moved into an apartment in the East Liberty section of Pittsburgh. Mr. Moses took a leadership role, working to help his fellow residents, and together with them founding an organization called the Federal American Coalition of Tenants, which focused on educating residents to fight for fair and equal housing practices.

Mr. Moses has continued his work on behalf of low-income residents to this day. His leadership and advocacy were instrumental in assisting hundreds of people who lived in Pittsburgh's Northside avoid eviction. When a HUD-Assisted rental housing development tried to evict many of its residents, Mr. Moses stepped in and helped to organize the Northside Coalition for Fair Housing. The Northside Coalition's actions were successful in helping keep many of the residents in their homes, and to this day, the Northside Coalition helps to manage the properties and provide social services to the residents.

For the past 12 years, Mr. Moses has been a strong advocate for affordable housing at the national level, serving on the Board of Directors of the National Low Income Housing Coalition. For the last 6 years he has served as Chairman of that board. The Lifetime Service Award being given to him by the Coalition is a fitting tribute to the leadership and service he has devoted to it. I thank him for his service to Pennsylvania and the Nation, and offer him my warmest congratulations on this well-deserved award.●

TRIBUTE TO LTC DAREN S. SORENSON

● Mr. HELLER. Mr. President, it is my privilege to recognize LTC Daren S. Sorenson, an extraordinary American, whose heroic acts to defend his country and fellow servicemembers has earned him a second Distinguished Flying Cross, DFC. The State of Nevada and the U.S. Air Force are proud to commend Lieutenant Colonel Sorenson for all of his accomplishments.

I am grateful and humbled to honor Lieutenant Colonel Sorenson for his dedication and sacrifice to this Nation. He has been deployed seven times and served as the deputy mission commander during the first preemptive strike on the inaugural night of Operation Iraqi Freedom in 2003. During this combat operation, Lieutenant Colonel Sorenson earned his first DFC for targeting and assisting the destruction of an armored unit of the Iraqi Republican Guard. Not only has Lieutenant Colonel Sorenson been recognized for this prestigious award once, but he received his second DFC during his deployment to Afghanistan for air support in Operation Enduring Freedom.

On May 25, 2011, during an operation in Eastern Afghanistan, Lieutenant Colonel Sorenson implemented techniques and strategies learned at Nevada's Nellis Air Force Base to defend and save the lives of nearly 50 coalition members. Lieutenant Colonel Sorenson's valiant aeronautic techniques drew away opposing fire and enabled air controllers and ground forces to locate combatants and defeat the enemy. His devotion to duty in the face of perilous flying conditions is admirable and maintains the highest standards and traditions of the U.S. Air Force.

As America's oldest military aviation award, the DFC was created by Congress more than 85 years ago to award individuals for acts of heroism or achievement in aeronautics. I applaud Lieutenant Colonel Sorenson for earning this prestigious award twice during his service. His continuous acts of bravery are a testament to his commitment to the United States.

Today, we commend Lieutenant Colonel Sorenson's acts of valor and the continuous sacrifices made by all of our servicemembers to ensure the safety and security of our Nation. We owe them and their families a great deal of gratitude for their personal sacrifices. I am proud to join the citizens of Nevada in recognizing Lieutenant Colonel Sorenson's accomplishments. I ask my colleagues to join me in honoring and congratulating him for his incredible bravery on behalf of his comrades and this great nation.●

TRIBUTE TO ROBIN A. DOUTHITT

● Mr. KOHL. Mr. President, I would like to take time to recognize Robin A. Douthitt, who is stepping down as dean of the School of Human Ecology at the University of Wisconsin-Madison. I

would also like to wish her a happy birthday. As a proud alumnus of UW-Madison, it is an honor to congratulate Dean Douthitt on her outstanding and exemplary service at UW over the years.

For the past 12 years, Dean Douthitt has given her unwavering commitment to students, faculty, staff, campus, the community, and the State. She began as a professor in the Consumer Science Department, was appointed interim dean of the School of Human Ecology in 1999, and was named dean in 2001. She will be leaving a legacy of courage and visionary leadership. Dean Douthitt has been called the "People's Dean" because she is always approachable and has touched the lives of many of her colleagues and friends.

Dean Douthitt made countless contributions to the University of Wisconsin during her service. She founded the UW Women's Faculty Mentoring Program that has led to the university's retention of female faculty and has become a model for other universities. She helped establish the Nancy Denney House, a cooperative undergraduate residence for single parents and their children. In recognition of her teaching and publishing extensive research on women's unpaid work and its social value, Dean Douthitt has been named a Vaughan Bascom Professor of Women and Philanthropy and a Vilas Associate in the Social Sciences.

Her contributions at UW do not stop there. Dean Douthitt served on the UW Athletic Board, chairing its Academic Affairs Committee, and representing UW faculty to the Big Ten. She has been honored on the School of Human Ecology's Roster of 100 Women—Wall of Honor, in recognition of her contributions to family, community, and her embodiment of the school's mission to improve the quality of human life. In addition, Dean Douthitt provided vision in leading a successful \$52 million effort to renovate the School of Human Ecology's historic 1914 building and build a new addition to ensure the school's continued presence at the forefront of education, research, creative scholarship, and outreach in the 21st century.

On behalf of my constituents from the great State of Wisconsin, we say a heartfelt thank you and happy birthday to Dean Robin A. Douthitt. We wish her all the very best in her future endeavors.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:33 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 886. An act to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.