

proposed is being considered, and it is expected we will have an answer from the Department of Labor within several months as to what the final regulations will be—if these rules go into effect as they are written, not only will we see a shrinking rural workforce, but our Nation's youth will be deprived of valuable career-training opportunities and a certain way of life many of us highly value will disappear.

It is important to us as a country—certainly to a State such as mine—that a young person experience the value of farming. I do not know how many times you talk to somebody who has determined what their career is going to be based on an experience they had as a young person and their ability to know what they want to do with their life is determined by the experiences they had as a young child. Our country cannot afford to lose the next generation of farmers and ranchers.

This rule should be withdrawn in its entirety. We know rural America's values are not always Washington values, and in the weeks ahead I ask my colleagues and Americans across the country to express their opposition to the Department of Labor for this destructive rule. Do not allow it to move forward so we can protect our values for the next generation of American farmers and make sure rural America remains a great place to live, grow, and raise a family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

#### TRIBUTE TO ELI MANNING AND THE NEW YORK GIANTS

Mr. COCHRAN. Madam President, I am pleased to rise in the Senate today to congratulate Eli Manning and the New York Giants football team for their great victory in the National Football League championship game. As most Senators probably know, Eli is a graduate of the University of Mississippi and he lives in Oxford, MS, during the off-season.

The Giants' 21-to-17 victory was the second NFL championship for this team in the last 4 years.

Eli Manning began the game by completing his first nine passes, which was a new Super Bowl record, and he was named the Most Valuable Player of the game. He became the fifth player in NFL history to win multiple Super Bowl Most Valuable Player awards. During the regular season, Manning threw for 4,933 yards and 29 touchdown passes, including a NFL record of 15 touchdown passes in fourth quarters. He also led six game-winning drives that allowed the Giants to overcome deficits in the final stage of their games.

Manning and his wife Abby have supported many worthy causes and have made a strong commitment to the health and education of young people in Mississippi. They have made a pledge to raise \$2.5 million for the Eli

Manning Children's Clinic at the Hospital for Children in Jackson, MS, and they have also donated \$1 million to start the Ole Miss Opportunity Scholarship Program, which helps children in Mississippi with special financial needs to have the opportunity to attend college.

Manning has served as a member of President Bush's Council on Physical Fitness and Sports and is active with many other organizations, such as the March of Dimes and the American Red Cross. His commitment to voluntarism and national service is very impressive and worthy of high praise.

I am very proud to congratulate Eli Manning and the New York Giants as Super Bowl champions.

The PRESIDING OFFICER. The Republican leader.

#### HHS MANDATE

Mr. MCCONNELL. Madam President, throughout my Senate career I have spent a lot of time defending the first amendment. Most of it I spent defending one particular clause of that amendment, the one relating to the right of free speech, but recent events have shown quite unexpectedly the urgent need to defend another clause in the first amendment. I am referring, of course, to the right of free exercise of religion.

Make no mistake, the Obama administration's decision to force religious hospitals, charities, and schools to comply with a mandate that violates their religious views is abhorrent to the foundational principles of our Nation. No one in the United States—no one—should ever be compelled by their government to choose between violating their religious beliefs and being penalized for refusing. Yet that is precisely what this mandate would do.

One out of six patients in America is treated at a Catholic hospital. Catholic Charities is the largest provider of social services to poor children, families, and individuals in America. The Catholic Church runs the largest network of private schools in this country. These institutions have thrived because they have been allowed to freely pursue their religious convictions in a country that, until now, respected their constitutional right to do so. But this ruling should send a chill up the spine of people of all religious faiths and even of those with no faith at all because if the state—in this case, the Federal Government—is allowed to violate the religious rights of one religion, then surely it can violate those of others. If the rights of some are not protected, the rights of all are in danger. Isn't that what history clearly teaches? Isn't that what the Constitution is all about?

The Obama administration has crossed a dangerous line. The Founders knew that the right of religious belief is inviolable. They gave this God-given right the pride of place they knew it deserved, right there in the first

amendment, so that Americans would never have to fear its loss. Unfortunately, because of the actions of this administration, Americans now do.

This is a huge mistake that I hope the administration is currently reconsidering, and if they do not, Congress will act. The first amendment rights of the American people must be protected. Those of us who recognize the fundamental importance of religious freedom to our Nation will see to it that it is respected by this government and restored in full.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Missouri.

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

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

Mr. BLUNT. Madam President, I want to talk about this recent HHS directive to faith-based organizations on health care and suggest that it is exactly the kind of problem many of us were concerned would develop when the government said it was going to take a greater role in deciding what health care would be like and who would make health care decisions. In this case, what kind of insurance could an employer give its employees if it is a religious organization?

There are several pieces of legislation that might deal with this issue. My guess is there will be several more unless the administration deals with it quickly and withdraws the position they have taken, which is that faith-based institutions would have to offer health insurance policies that violated their faith principles. It is a fundamental first amendment right of Americans to have the ability to pursue their faith-based principles.

In the Religious Freedom Restoration Act of 1993, passed by a Congress with a Democratic majority in both the House and Senate and signed by President Clinton, it appears to be clear that this is an incursion that the law itself, as well as the Constitution, does not allow. One of the most objectionable issues about the White House position—the administration's position—is that we want you to change your principles, and we are going to give you a year to accommodate that change.

Principles based on faith cannot be accommodated in a year. In fact, they should not be accommodated in a lifetime. They are exactly that; they are principles based on faith. This is about institutions that run hospitals, schools, daycare centers, all sorts of things under the umbrella of the mission of who they are. This is about how their employees relate to them as providers of health care insurance and the kind of insurance they provide. This is

not about just anybody you might run into; this is someone who has chosen to work for one of these institutions. This is someone who has chosen to affiliate themselves with one of these faith-based organizations.

Clearly, the Catholic bishops are outraged. I have a letter here from Bishop Carlson in St. Louis that was read in Missouri churches last week talking about this, and it says: In so ruling, the administration has cast aside the First Amendment to the Constitution of the United States, denying to Catholics our Nation's first and most fundamental freedom, that of religious liberty. As a result, unless the rule is overturned, we Catholics will be compelled either to violate our consciences or to drop health coverage for our employees and suffer the penalties for doing so. The administration's sole concession was to give nonprofit employers, like hospitals and universities, which do not currently provide such coverage—the coverage which the administration was demanding—one year in which to comply.

I have another report from the chief of the Catholic military chaplains who wanted to send a letter to be read and which the military initially said could not be read. The U.S. Army said that the letter written and sent by the archbishop in charge of Catholic military chaplains could not be read in services. And after a discussion with the Secretary of the Army, that was changed but apparently only if some of the letter would be taken out.

This is way over the line of where the government should be. Unfortunately, it is exactly the line that many of us feared would be crossed whenever the government begins to think that the government is the person to make health care decisions, whether that is a decision that you and your doctor should be making between the two of you or the kind of insurance you and your family choose to have or, in this case, the kind of insurance you and the institution you represent chooses to offer to the people who are working there. This is wrong. I think people know it is wrong. This is something that cannot be allowed to stand, and I wish to turn to my friend from New Hampshire to talk about this with me for a little bit.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Madam President, I certainly share the concerns of my colleague from Missouri, and I share the concerns of my constituents in New Hampshire and citizens across this Nation who see the recent rule issued by the administration for what it is, an unprecedented, unnecessary affront to religious liberty in our country.

I wish to say at the outset that this issue is not limited to the Catholic Church. The administration's new health care mandates on religious institutions impact all religions. Religious freedom is a foundational American right enshrined in our Bill of

Rights. The first amendment to our Constitution makes clear that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Unfortunately, I see the administration chipping away at these bedrock freedoms as it engages in a troubling pattern here with respect to this rule, and I think we saw that the President's new mandate on religious institutions highlights the deep flaws in the health care bill.

This unconstitutional law was moved through Congress and signed by the President 2 years ago without the type of due consideration, transparency, or accountability we would all expect, and we have been suffering the consequences since. It is highlighted with what we see with these recent mandates from Health and Human Services.

I wish to share some of the concerns my constituents have raised about these mandates that were recently issued by Health and Human Services. There is a letter I received this week from William Edmund Fahey, who is the president of Thomas More College in Merrimack, NH, and he says: To condition the availability of medical benefits upon a community's willingness to violate a cardinal teaching of its faith effectively prevents the full practice of its religion; and thus, again, violates the free exercise of a constitutional liberty.

He pleaded with our delegation, the New Hampshire congressional delegation, and he said: I hope you will see that the mandate undermines the Constitution, compromises the integrity of the government and abuses the foundational principle that free associations form an essential part of the social fabric of the United States.

We are fortunate in New Hampshire to have a number of very effective Catholic institutions and organizations. We have the Catholic Medical Center in Manchester which serves so many in the Manchester community and surrounding areas. The Catholic Medical Center has also expressed concerns about the mandate, saying: It would force us to offer services that were against our ethical and religious directive or force us not to offer insurance altogether.

They added: Neither are acceptable options.

The president of one of our great colleges in New Hampshire, Saint Anselm College, President Jonathan DeFelice, said: In a country and a State that values and respects individuals' rights to exercise their religious beliefs and live according to their conscience's best light, it is simply appalling to think that this mandate is anything other than an unprecedented incursion into freedom of conscience.

I have heard many concerns from my constituents, and I would hope that Health and Human Services would stop what it is doing right now, this mandate that places religious institutions in this impossible position, with this

impossible choice of violating their core beliefs in order to comply with a mandate or dropping employee insurance coverage altogether. We should not be putting these organizations that do great work throughout this country in that position. And, again, this is not an issue that just applies to the Catholic Church; this applies to all religious institutions.

I would ask my colleague from the State of Missouri: As a result of our concerns about the actions of the administration, we have offered legislation to address this, and what does that legislation do in order to make sure that this mandate does not go forward?

Mr. BLUNT. That is a good point. I wish also to say that this is not about just about one set of religious beliefs. The current discussion is about specific items in a health care plan, but there are lots of faith-based groups with different views of how you deliver health services that have been working on these issues for some time now, and I met with a lot of these groups. This is an issue of conscience, whether it is the Catholic Church, the Christian Science Church, the Seventh Day Adventist Church, the Baptist Church that I am a member of. There may be different views of this, but the views are not views that can be put forth by the government, and that becomes the government view.

There was a recent Supreme Court case, *Hosanna Tabor Lutheran Evangelical Church and School v. Equal Employment Opportunity Commission*, where the Court voted 9 to 0 that faith-based institutions have privileges that others do not have because that is what makes them faith-based institutions. The hiring decisions, the firing decisions, the workplace decisions are different because if they are not different, it is just another school or another hospital that might happen to have a theology department or might happen to have a chapel once a week. That is what it is.

Senator AYOTTE, Senator RUBIO, and I have worked on various ways to approach this. We offered a bill some weeks ago on these issues of conscience that would create a respect for rights of conscience. The Respect for Rights of Conscience Act, which was drafted early last year, has the full support of the major groups that are concerned about these conscience issues. The Christian Medical Association, the Becket Fund, and others have said that we need to be concerned about these issues, whether it is a hiring decision now or a health care decision, and what do we do to protect health care providers and insurers, including purchasers, from being forced to violate their own principles by buying a policy or offering a policy that provides things they don't believe in their faith group are the right things to offer.

I saw one of the President's advisers early this morning beginning to back away from this and say: Suddenly this one year has become—we are just seeking information during this year. That

is not what they were doing at all. What they are doing is saying, you are going to comply with this rule and we are going to give you a year to figure out how to compromise your principles in a way that applies, and that is the wrong thing to do. Whether it is the Respect for Rights of Conscience Act or other legislation, if the administration doesn't take care of this administratively, I believe it will be taken care of legislatively.

When you have bishops, church leaders, and people who have spent their lives dedicated to hospitals, schools, and other institutions that reflect their faith principles, you cannot suddenly decide that those don't matter or they can be changed in a year. They also will need to have some legal cause of action to pursue this, just like the Religious Freedom Act in 1993 created cause of action. One cannot go in and have an unreasonable incursion on the faith beliefs of people under the first amendment. No matter how good you think the cause might be, it is not good enough to violate that fundamental principle.

Senator AYOTTE has had lots of contact—I think many of us have. If you were in a military service last week, you might have heard one of these letters read. I saw the line that had to be taken out of the letter apparently that the Army wouldn't otherwise—was standing in front of, but was read in the other services, which was the line that said: We cannot, we will not comply with this unjust law.

When the government begins to tell people to do things that violate their faith principles, the government has gone too far.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BLUNT. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The majority controls the time until 6 p.m., and Senators are limited to speak for up to 10 minutes each.

#### WOMEN'S HEALTH

Ms. MIKULSKI. Madam President, I claim 10 minutes of the Democratic majority time. I come to the floor to speak about women's health. I come to speak about the issue of prevention, and I want everybody to fundamentally remember what we debated and what we did in the health care bill.

For the first time in a long time, our Nation is talking about women's health. Am I glad to hear that. It has mostly been happening on the morning talk shows and on the front pages of our newspapers. But, unfortunately, too much of the conversation isn't about women's health; it is politics disguised as women's health.

What should we be talking about when it comes to women? We should be talking about the top killers of women:

cancer—that dread “C” word—including breast cancer, cervical cancer, lung cancer. They are the highest killers of women: lung cancer, cervical cancer, and breast cancer. Then there are the silent killers of women: undetected diabetes as well as the consequences of heart and vascular disease. What did we talk about in the health care bill to deal with these issues? We talked about the fact that we needed preventive services, that we believed in early detection, that we believed in screening for early detection so we could identify those consequences that would negatively impact women in terms of their health care.

One of the things we know is that many women don't have health insurance at all. Seventeen million are uninsured. Women are most likely to neglect their treatment because of cost. Women of childbearing age are also even more at risk because they are performing jobs that tend to be starting out and they don't pay for health insurance.

We tackled a lot of this in the health care bill. I am so proud that one of the first things we did was end general discrimination in health care—the punitive practices of insurance companies discriminating against women by charging more for women of the same age and the same health status as men. But we came together, united, and passed it as part of the affordable health care act, and we ended gender discrimination.

Then we saw that simply being a woman meant being treated as a pre-existing condition. I held a hearing about this that was bone-chilling, when we listened to how women were discriminated against and aspects that had happened to them were viewed as a preexisting condition. In eight States if a woman was a victim of domestic violence, she could not get health insurance.

In another bone-chilling story, which was breathtaking, a woman testified at our hearing that because she had a C-Section, her insurance company told her they would drop her from their insurance plan unless she got sterilized. That was in the hearing. She had a letter from her insurance company. We were aghast on both sides of the aisle, regardless of how one feels about some of these reproductive issues. Nobody felt that should happen in America. So the people on the committee, led by myself, said: We can't have that. So we have ended discrimination against women getting health care on the basis of preexisting conditions.

We wanted to go further, and one of the issues we looked at was that of prevention. This is a subject of great debate. The very first amendment on the Senate floor during the health care debate was one to add preventive health care benefits. I offered an amendment, and the Senator from Alaska, Ms. MURKOWSKI, offered a counteramendment. Her amendment was terrific. She had every preventive service that I would

have ever loved. CBO, though, scored it at something such as \$50 million. The CBO's score sunk the Murkowski amendment, but the Mikulski amendment prevailed, in which we said we will leave it to the Institute of Medicine to determine what would be some of these amendments for women.

So guess what we have. In our preventive health amendment, which is now the subject of such debate, such controversy and, unfortunately, such misinformation, our amendment said this: First of all, if a woman is over 50, she gets a free yearly mammogram, one of our highest risks. Second, if a woman is over 40, she gets an annual well woman preventive care visit. This then goes to the screenings that then go to the highest risk for the highest diseases we have.

We have early detection and early screening. For young women who are pregnant, we guarantee they can be screened for diabetes, but also in our prevention amendment we provided for maternity services. We provide for maternity services so these women can get proper prenatal care. Working with their doctor, we can ensure the health of the mother and survivability and the ability to carry her pregnancy to term. We looked out for those maternity benefits.

IOM also said that as part of prevention we should add contraceptive coverage. That was a recommendation not of Senator BARB and not of Senator JEANNE SHAHEEN; this was a recommendation of the Institute of Medicine. Why do they say that? First of all, there are over 15 or 20 percent of women who need to take birth control in order to deal with the medical issues associated with their menstrual cycles. This isn't the place to go into the biology of being a woman, but for many this is where people long before—young women and adolescents who were not sexually active were experiencing some significant hormonal problems. So it is not always about being sexually active.

So this whole thing about the preventive amendment being all about birth control is so exaggerated, so overblown, so out of context with what we wanted to do. I am shocked and—I am just shocked.

We looked at our bill, in addition to my amendment, and we included preventive services for men and women, those services that affect both sexes, including colorectal screening for adults over 50. That also includes prostate screening for men. We have diabetes and high blood pressure screening. There is also the ability to do alcohol misuse screening which, in many instances, is an undetected and silent killer not only of lives but of families.

So one of our major thrusts was prevention. We won maternity benefits so a mother can be safe and well herself and be able to carry her pregnancy to term in a way that ensures the health of both the mother and the child, when the child is born. The fact that we had these other screenings, including mammograms, prostate cancer, diabetes—