

one of them to a T, which we rely on to fight the war on drugs—has supported this amendment openly and spoken out loudly and clearly that it would help them tremendously, I do not know how we can ignore this problem much longer.

The fact is we must act. I can assure you that working together, as we do, we will find a way to move forward with this vital piece of legislation.

I promise the Presiding Officer this: I will continue to fight this war on drugs with him, and I urge all my colleagues to do the same. This is a war we cannot afford to lose.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. I thank the Chair.

#### A SECOND OPINION

Mr. President, I come to the floor to do what I have done week after week since the health care bill was signed into law by President Obama, to offer a doctor's second opinion about the health care law, a law that I believe is bad for patients, bad for providers—the nurses and the doctors who take care of those patients—and I believe it is terrible for the American taxpayers.

I come to the floor because the Supreme Court is soon going to rule on the constitutionality of the President's health care law.

The Court's decision will revolve around, primarily, the individual mandate, the component of the law requiring all individuals to purchase not just health insurance but government-approved health insurance.

Never in the history of this country has the Federal Government required individuals to purchase a product, to come into our homes and tell us we must buy a government-approved product. Why? Simply because we happen to be a citizen of the United States.

The American people are not happy with this mandate. As a matter of fact, a recent Gallup poll found that 72 percent of Americans believe the mandate is unconstitutional. The results of the Gallup poll, however, are not surprising.

As I travel across Wyoming, I hear constantly from people who are opposed to the mandate.

It is not just the mandate they are opposed to. But, specifically, the mandate is what brings people all across the country together to be opposed to the law.

It is interesting when I go and have meetings and talk to folks. I will ask them: Under the President's health care law—remember, the one where he promised insurance rates would drop by \$2,500 per family—how many of you actually believe your own insurance rates will go up, and every hand goes up.

Then, when I ask: How many of you think the quality and availability of care for you and your family is going to go down, again, the hands go up.

It is not just the mandate; it is the entire health care law that is a prob-

lem for patients and providers and the taxpayers.

But the mandate is interesting. I bring this to the attention of the Senate because President Obama, at one point, was opposed to the mandate. When he was running for President, during his campaign for the White House, then the Senator from Illinois, Mr. Obama, quipped: "If a mandate was the solution, we can try to solve homelessness by mandating everybody to buy a house."

Now the President's tune has obviously changed.

I believe the mandate is unconstitutional. I believe if the Court strikes down the mandate, the rest of the law should also be found unconstitutional.

During the health care debate 2 years ago, supporters of the law repeatedly stated—repeatedly stated—that the mandate was an essential component of the law. So let's review what folks have said.

Secretary of Health and Human Services Kathleen Sebelius and Attorney General Eric Holder, in an op-ed in the Washington Post, wrote: "Without an individual responsibility provision"—is what they called the individual mandate—the law "doesn't work."

The law "doesn't work."

Former Speaker NANCY PELOSI also came to this same conclusion. In two separate blog posts, she stated that without the individual mandate, the math, she said, behind the health care law does not work.

The current chairman of the Senate Finance Committee, Senator BAUCUS, also came to this same conclusion during the debate on the health care law.

During a committee hearing, Chairman BAUCUS stated that allowing individuals to opt out of the individual mandate would "strike at the heart of health care reform."

Finally, Senate Democrats in their amicus curiae brief filed with the Supreme Court argued that the individual mandate is an "integral part" of the health care law.

It seems to me that supporters of the law from the very beginning of this debate recognized that without the individual mandate, the rest of the health care law would need to go away.

Now it seems Washington Democrats are changing their tune and coming to a different conclusion.

In a story published by the Associated Press on June 18 of this year, it was reported that "the Obama Administration plans to move ahead with major parts of the President's health care law if its most controversial provision"—obviously, the individual mandate—"does not survive." In fact, an anonymous, high-level Democratic official declared that the administration would move "full speed ahead" with implementation of the health care law.

It seems the administration only views the mandate as essential when it is politically convenient.

As I have stated many times before, I believe the entire health care law

needs to be completely repealed and replaced. This law does not address runaway health care spending, it increases taxes, and it hurts job creation at a time of 8.2 percent unemployment across the country, at a time when college graduates are moving back home because they cannot find work, when people are underemployed, people have given up looking for work. Yet the health care law adds to the costs and adds to the uncertainty of these uncertain times and a weak economy.

The American people want a healthy economy, and this health care law is making it worse. If the law's individual mandate is struck down, the President should not implement whatever is left standing. Instead, he should work with Congress—both sides of the aisle—to implement commonsense, step-by-step reforms that will actually lower the cost of health care for all Americans.

It seems to be lost on many that the original goal of health care reform was actually to lower the cost of care. It is what the President talked about in his initial speech to the joint session of Congress. But it is something that was ignored when the 2,700-page health care law was presented to Congress and the American people.

Americans know what they want. They know what they have been looking for in a health care law, and this is not it. Americans deserve a law that helps them get the care they need, from the doctor they choose—not that the government chooses, not that the insurance company chooses: the doctor they choose—and at lower cost.

I yield the floor.

I suggest the absence of a quorum.

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

#### FOOD AND DRUG ADMINISTRATION SAFETY AND INNOVATION ACT

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to S. 3187.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House, which the clerk will report.

The assistant legislative clerk read as follows:

Resolved, That the bill from the Senate (S. 3187) entitled "An Act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes," do pass with an amendment.

Mr. REID. Mr. President, I now move to concur in the House amendment to S. 3187, and ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid motion to concur in the House amendment to S. 3187, the FDA Safety and Innovation Act.

Harry Reid, Tom Harkin, Sheldon Whitehouse, Kent Conrad, Jack Reed, Christopher A. Coons, Mark Begich, John F. Kerry, Charles E. Schumer, Barbara A. Mikulski, Benjamin L. Cardin, Robert Menendez, Joseph I. Lieberman, Mary L. Landrieu, Richard Blumenthal, Patty Murray, Tom Carper.

#### AMENDMENT NO. 2461

Mr. REID. I move to concur in the House amendment to S. 3187 with an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to S. 3187 with an amendment numbered 2461.

The amendment is as follows:

At the end, add the following new section:  
**SEC. \_\_\_\_.**

This Act shall become effective 5 days after enactment.

Mr. REID. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second?

The yeas and nays were ordered.

#### AMENDMENT NO. 2462 TO AMENDMENT NO. 2461

Mr. REID. I now have a second-degree amendment at the desk I wish to be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2462 to amendment No. 2461.

The amendment is as follows:

In the amendment, strike "5 days" and insert "4 days".

#### MOTION TO REFER WITH AMENDMENT NO. 2463

Mr. REID. I have a motion to refer the House message to the Health, Education, Labor, and Pensions Committee with instructions to report back forthwith, with an amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Senate

Committee on Health, Education, Labor, and Pensions with instructions to report back forthwith with an amendment numbered 2463.

The amendment is as follows:

At the end, add the following new section:  
**SEC. \_\_\_\_.**

This Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 2464

Mr. REID. I have an amendment to my instructions that is also at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2464 to the instructions of the motion to refer.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days".

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 2465 TO AMENDMENT NO. 2464

Mr. REID. I have a second-degree amendment to my instructions that are at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2465 to amendment No. 2464.

The amendment is as follows:

In the amendment, strike "2 days" and insert "1 day".

Mr. REID. Mr. President, I now ask unanimous consent that the mandatory quorum under rule XXII be waived with respect to the cloture motion that has just been filed.

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

### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business and that Senators be allowed to speak for up to 10 minutes each.

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

### JUNETEENTH INDEPENDENCE DAY

Mr. LEVIN. Mr. President, today is the culmination of several days of activities across the Nation in recognition of the oldest known observance of the ending of slavery—"Juneteenth Independence Day".

It was in June of 1865, that the Union soldiers landed in Galveston, TX, with the news that the war had ended and that slavery finally had come to an end in the United States. This was 2½ years after President Lincoln signed the Emancipation Proclamation, which was issued on January 1, 1863, and months after the conclusion of the Civil War.

This week and specifically on June 19, when slaves in the Southwest finally learned of the end of slavery, the descendants of slaves have observed this anniversary of emancipation as a remembrance of one of the most tragic periods of our Nation's history. The suffering, degradation and brutality of slavery cannot be repaired, but the memory can serve to ensure that no such inhumanity is ever perpetrated again on American soil.

I was very pleased that on June 19 of this week the Senate unanimously adopted a resolution, S. Res. 496, recognizing the historical significance of Juneteenth Independence Day to the Nation. The resolution, which I sponsored along with Senators HUTCHISON, CARDIN, LANDRIEU, CORNYN, SHERROD BROWN, BOXER, STABENOW, HARKIN, BEGICH, DURBIN, WICKER, LEAHY, BILL NELSON, CASEY, WARNER, AKAKA, WEBB, LAUTENBERG, GILLIBRAND, and SCHUMER expresses support for the observance of Juneteenth Independence Day, and recognizes the faith and strength of character demonstrated by former slaves, that remains an example for all people of the United States, regardless of background or race.

All across America we also celebrate the many important achievements of former slaves and their descendants. We do so because in 1926, Dr. Carter G. Woodson, son of former slaves, proposed such a recognition as a way of preserving the history of African Americans and recognizing the enormous contributions of a people of great strength, dignity, faith, and conviction—a people who rendered their achievements for the betterment and advancement of a Nation once lacking in humanity towards them. Every February, nationwide, we celebrate African American History Month. And, every year on June 19, we celebrate "Juneteenth Independence Day."

Lerone Bennett, Jr., writer, scholar, lecturer, and acclaimed Executive Editor for several decades at Ebony Magazine, has reflected on the life and times of Dr. Woodson. Bennett tells us that one of the most inspiring and instructive stories in African American history is the story of Woodson's struggle and rise from the coal mines of West Virginia to the summit of academic achievement:

At 17, the young man who was called by history to reveal Black history was an untutored coal miner. At 19, after teaching himself the fundamentals of English and arithmetic, he entered high school and mastered the four-year curriculum in less than two years. At 22, after two-thirds of a year at Berea College [in Kentucky], he returned to the coal mines and studied Latin and Greek