

have been solicitations in excess of \$1 million."

Health care executives said they were reluctant to make big contributions for several reasons, including the fact that insurers are required to pay more than \$100 billion in new taxes over the next 10 years to help defray the cost of expanded coverage. Drug companies must pay new fees totaling \$34 billion over the same period.

Excerpts of report of the Congressional Committees Investigating the Iran-Contra Affair, Chapter 27, pp 411-413

"The Constitution contemplates that the Government will conduct its affairs only with funds appropriated by Congress. By resorting to funds not appropriated by Congress—indeed funds denied the executive branch by Congress—Administration officials committed a transgression far more basic than a violation of the Boland Amendment.

The power of the purse, which the Framers vested in Congress, has long been recognized as "the most important simple curb in the Constitution on Presidential Power." The Framers were determined not to combine the power of the purse and the power of the sword in the same branch of government.

When members of the executive branch raised money from third countries and private citizens, took control over that money through the Enterprise, and used it to support the Contras' war in Nicaragua, they bypassed this crucial safeguard in the Constitution. . . .

The appropriations clause was intended to give Congress exclusive control of funds spent by the Government, and to give the democratically elected representatives of the people an absolute check on Executive action requiring the expenditure of funds. . . .

Congress' exclusive control over the expenditure of funds cannot legally be evaded through the use of gifts or donations made to the executive branch. Were it otherwise, a President whose appropriation requests were rejected by Congress could raise money from private sources or third countries for armies, military actions, arms systems, and even domestic programs. . . .

The Constitutional process that lodges control of Government expenditures exclusively in Congress is the Anti-Deficiency Act (31 USC Section 1341) which prohibits an officer of the United States from authorizing an expenditure that has not been the subject of a Congressional appropriation, or that exceeds the amount of any applicable appropriation. Thus it provides:

"An officer or employee of the United States Government may not make or authorize an expenditure or obligation exceeding an amount available in an appropriation or fund for the expenditure or obligation; or involve [the] government in a contract or obligation for the payment of money before an appropriation is made unless authorized by law."

. . . The Constitutional plan did not prohibit the President from urging other countries to give money directly to the Contras. But the Constitution does prohibit receipt and expenditure of such funds by this Government absent an appropriation. This prohibition may not lawfully be evaded by use of a nominally private entity, if the private entity is in reality an arm of the Government and the Government is able to direct how the money is spent.

#### BUSH SETS UP FOUNDATION TO START MODEL SCHOOLS

(By Karen De Witt, July 9, 1991)

In a move he described as a milestone in the "educational revolution" he outlined in

April, President Bush today announced the establishment of a foundation to foster the creation of model schools.

In a Rose Garden ceremony, Mr. Bush, who was accompanied by Education Secretary Lamar Alexander, introduced 18 business, education and political leaders as members of the board of the New American Schools Development Corporation, saying they would help "set aside stale preconceptions" about how schools should work and "seek nothing less than a new generation of schools."

Mr. Bush has said he hopes the private, nonprofit corporation will persuade businesses to donate as much as \$200 million for the creation of 535 experimental schools intended to be models of reform for the nation. The schools, one in each Congressional district and two more for each state, are part of Mr. Bush's education legislation now being considered by Congress.

"We want to encourage and experiment," Mr. Bush said. "No one will conduct our educational revolution for us. We've got to do it ourselves. We've done enough hand-wringing about the state of our schools and now let's act."

The Rand Corporation's Institute on Education and Training will serve as the research arm for the new corporation. An advisory panel of educators is to assist the corporation.

Thomas H. Kean, the former New Jersey Governor and chairman of the corporation, said the group had already received \$30 million in donations. Walter H. Annenberg, the publisher and former diplomat, is a member of the board and donated a \$10 million "challenge" grant to encourage other corporations to help.

But with a recession, some companies that plan to contribute to the new program are cutting back on financial commitments to existing education projects.

The Exxon Corporation, for example, told Theodore R.Sizer, a professor of education at Brown University, that it would give him one year's worth of financial aid instead of the five years he had requested for his Coalition of Essential Schools, a nationwide group of schools that have been promoting innovative teaching and learning techniques.

Edward F. Ahnert, executive director of the Exxon Education Foundation, said, "We have not made a decision to cut back our longer-term funding but rather to review our long-term commitments to his program in the light of the New American School Program."

Here is complete list of members of the board of the New American Schools Development Corporation. Thomas H. Kean, president of Drew University and former Governor of New Jersey, chairman. W. Frank Blount, president of the Communications Products Group of the American Telegraph and Telephone Company, president. Louis V. Gerstner Jr., chairman of R. J. R. Nabisco, vice president. James K. Baker, chairman of Arvin Industries, vice president. Frank Shrontz, chairman of the Boeing Company, vice president. Walter H. Annenberg, philanthropist, former diplomat and publisher. Norman R. Augustine, chief executive of the Martin Marietta Corporation. Gerald L. Baliles, former Governor of Virginia. John L. Clendenin, chairman and chief executive of BellSouth. James R. Jones, chairman and chief executive of the American Stock Exchange. Lee R. Raymond, president of the Exxon Corporation. Paul Tagliabue, commissioner of the National Football League. Earl Graves, publisher of Black Enterprise magazine. Joan Ganz Cooney, chairman of the executive committee of Children's Television Workshop. Kay Whitmore, chairman, chief executive and president of Eastman Kodak. James J. Renier, chairman and chief execu-

tive of Honeywell. John Ong, chairman of B. F. Goodrich. Stanley A. Weiss, board chairman of Business Executives for National Security and the BENS Education Fund.

#### MEMBERS OF THE IRAN-CONTRA SELECT COMMITTEE SENATE

Daniel K. Inouye, Chairman (Hawaii); George Mitchell (Maine); Sam Nunn (Georgia); Paul Sarbanes (Maryland); Howell Heflin (Alabama); David Boren (Oklahoma).

Warren Rudman, Vice Chairman (New Hampshire); James McClure (Idaho); Orrin Hatch (Utah); William Cohen (Maine); Paul S. Trible, Jr. (Virginia).

#### HOUSE

Lee H. Hamilton, Chairman (Indiana); Dante Fascell, Vice Chairman (Florida); Thomas Foley (Washington); Peter Rodino (New Jersey); Jack Brooks (Texas); Louis Stokes (Ohio); Les Aspin (Wisconsin); Edward Boland (Massachusetts); Ed Jenkins (Georgia).

Dick Cheney, Ranking Republican (Wyoming); Wm. S. Brookfield (Michigan); Henry Hyde (Illinois); Jim Courter (New Jersey); Bill McCollum (Florida); Michael DeWine (Ohio).

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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. DONNELLY). Without objection, it is so ordered.

#### VERMONT'S MATAYKA FAMILY

Mr. LEAHY. Mr. President, Vermonters are fiercely proud of those who serve in our National Guard. For decades—and never more so than in the last decade—when the Nation sounded the call to service, the Vermont National Guard has answered. Today, I would like to pay tribute to Ed and Karen Matayka, two Vermont National Guard soldiers whose perseverance in the face of huge odds is an inspiration to all.

The Army brought Ed and Karen together—they met at combat medic training in Texas—and they have been an Army family ever since. The Mataykas deployed twice together, once to Kuwait immediately following their wedding, and a second time to Afghanistan with Vermont's 86th Infantry Brigade Combat Team in 2010. It was during that second deployment when tragedy struck.

While running a convoy mission in Afghanistan, Ed's vehicle was hit by an improvised explosive device, leaving him with multiple injuries, including the amputation of his legs. Some doctors questioned whether Ed would survive.

Yet he never gave up. With Karen's support and the assistance of skilled Army doctors, Ed is well on the road to recovery. Not only is Ed making great strides in his personal health, with newly authorized assistance for in

vitro fertilization for service members, Ed and Karen recently welcomed the arrival of twins: Ryan David and Alana Marie. They are the first Army family to have used the technique after Congress passed a law authorizing TRICARE coverage of reproductive therapies for military families dealing with the consequences of catastrophic injury.

As a Vermonter, I am proud of Ed and Karen. Ryan and Alana are surely lucky to have them as parents.

I ask unanimous consent that a copy of the recent U.S. Army article entitled "Double amputee gets another chance of starting family" be printed in the RECORD.

There being no objection, the material was printed in the RECORD, as follows:

[From the United States Army, April 24, 2013]

#### DOUBLE AMPUTEE GETS ANOTHER CHANCE OF STARTING FAMILY

(By Maria Gallegos, Brooke Army Medical Center)

SAN ANTONIO.—The only thing he remembered was waking up five weeks later in Landstuhl Regional Medical Center in Germany—from a tragedy that nearly cost him his life and the chance of starting a family.

#### THE BEGINNING

Thirteen years ago, Ed and Karen Matayka, both combat medics with the Vermont National Guard, met and fell in love during their advanced training course at what is now Joint Base San Antonio-Fort Sam Houston, Texas.

Soon after, they married in 2004 and deployed together six months later to Kuwait in 2005.

"We honeymooned in Kuwait," said Karen.

They returned to Vermont a year later and were activated again in 2010 to go to Afghanistan, but this time they promised each other they would start a family after their deployment. Just after four months in theater, those plans looked to be lost.

In July 2010, Ed was on a convoy mission in Afghanistan when his vehicle was struck by an improvised explosive device that caused multiple injuries to his body, including the loss of his legs, fractures to his spinal cord, a traumatic brain injury, and two strokes that caused nerve damage to his left side of the body. The blast also killed his driver, Spc. Ryan Grady, and wounded four other Vermont Soldiers.

"The doctors told me he probably won't survive," Karen recalled.

Because of the severity of his multiple injuries, he was treated and transferred to several military medical centers across the country before he was transferred to Brooke Army Medical Center, or BAMC. At BAMC, he receives inpatient care at the San Antonio Military Medical Center, or SAMMC and specialty rehabilitation care at the Center for the Intrepid.

"BAMC is the best place for amputee rehab, (so) we needed to get Ed here," Karen said.

Ed has been rehabilitating at the CFI, BAMC's outpatient rehab center, since August 2011. He is now learning to walk again.

#### IN VITRO FERTILIZATION

Even though their plans of starting a family were temporarily on hold, their desire to start a family was never in question.

"We really wanted to have a family long before this happened, and we are not going to let his injuries change our plans," said Karen.

"We had decided together that we wanted kids—we just wanted to share some love, help guide the next generation," Ed added.

They turned to in vitro fertilization in hopes of making their dreams of a family a reality. The IVF process is a procedure in which eggs are removed and joined with a sperm outside of the body to fertilize and the resulting embryo is then placed back into the uterus.

They first started the IVF process, at the Boston's veteran hospital where Ed was receiving his spinal cord rehab—but because of the complexity of the injuries, the procedure was not successful.

After eight months of rehab at BAMC, and with Ed gaining more strength and independence, they decided to try again.

"We were initially told we had to pay for it ourselves, which we were fine with, and we didn't care. We wanted to do it, and then we were told that TRICARE was working on a policy that would change its IVF coverage for service members with severe injuries," Karen said.

A week before their IVF transfer, a bill was passed to cover reproductive services to active service members who have suffered from catastrophic injuries resulting in infertility. Since 2003, more than 1,800 U.S. military members have suffered injuries in Iraq or Afghanistan that impact their reproductive tract.

"TRICARE rules changed and we were 100 percent covered," said Karen.

After their first attempt of the IVF transfer process, Karen became pregnant.

Their twins, Ryan David and Alana Marie, were born March 21, at 28 weeks.

"The babies were born ahead of time but are doing very well here (SAMMC neonatal intensive care unit)," Karen said.

Ed is the first wounded warrior, nationwide, who has successfully had the IVF transfer procedure since the new TRICARE policy was implemented.

"It was an honor to help the Mataykas achieve their dream of having a family. They are true American heroes and having the opportunity to directly help our wounded warriors represents the most rewarding aspect of our profession," said Maj. (Dr.) Jeremy King, director of IVF, who performed their transfer.

Although their desire of starting a family was finally complete, they will never forget the tragedy that happened almost two years ago.

"We named our boy after Ryan, the driver who passed away from the blast and David who saved Ed's life by applying tourniquets to his legs," Karen said. "They are our true heroes."

Both praised the care they received throughout the procedure.

"The care here is great. The reproductive and endocrinology staff is phenomenal," Karen added, as Ed also agreed. "The entire staff is extremely caring and we all bonded throughout the whole process. We greatly appreciate everyone's care."

"We have already referred two other warriors of the services here at SAMMC," Ed said.

"The Mataykas were a pleasure to work with," said King. "IVF process is physically and emotionally challenging, but their attitude was always upbeat, positive and optimistic. That, I believe, helped them get through the obstacles and also lifted up our spirits whenever we saw them."

#### THE SERVICE

The In Vitro Fertilization and Reproductive Endocrinology services had been offered at Wilford Hall Ambulatory Surgical Center since 1996. The program relocated to SAMMC in June 2011 due to the Base Realignment and Closure law.

SAMMC's IVF program offers the full gamut of diagnostic testing and infertility therapy treatments in the same location.

"We have over 1,000 babies as a result of our IVF program and it is the only onsite full service IVF center staffed solely by active duty physicians in Department of Defense," said Col. (Dr.) Matthew Retzlaff, Reproductive Endocrinology chief. "We offer this service to active duty members and their dependents, on site at SAMMC, from start to finish."

Reproductive endocrinologists provide full evaluation and treatment of all forms of infertility, polycystic ovarian disease, premature ovarian failure, hirsutism, recurrent pregnancy loss, reproductive tract anatomic abnormalities, endometriosis, premenstrual syndrome and complicated menopausal problems.

#### HONORING OUR ARMED FORECES

ARMY STAFF SERGEANT REX SCHAD, AIR FORCE STAFF SERGEANT DANIEL FANNIN, ARMY PRIVATE FIRST CLASS CHARLES P. MCCLURE, ARMY FIRST LIEUTENANT BRANDON LANDRUM

Mr. INHOFE. Mr. President, today I wish to pay tribute to three American heroes who recently lost their lives while defending the United States overseas in support of the war on terror.

Army SSG Rex Schad, of Edmond, OK, died on March 11, 2013. The 26-year-old squad leader was assigned to 3rd Battalion, 69th Armor Regiment, 1st Armor Brigade Combat Team, 3rd Infantry Division, out of Fort Stewart, GA. Rex was killed in Jalrez District, Afghanistan, after a member of the Afghan security forces opened fire on Rex and his fellow soldiers. Also killed was Army CPT Andrew Pedersen-Keel. Family and friends of Rex said that he took the idea of serving seriously and understood that it could require him to make the ultimate sacrifice for his country. He also had many family members serve in various branches of the military including his mother, brother, an uncle, and his grandfather. Rex is survived by his mother, Ms. Colleen Whipple, of Edmond, OK.

Air Force SSgt Daniel Fannin, of Morehead, KY, died on April 28, 2013, in the crash of an MC-12 aircraft near Kandahar Airfield, Afghanistan. Also killed in the incident were Capt. Brandon L. Cyr, Capt. Reid K. Nishizuka, and SSgt Richard A. Dickson. Daniel, who had just turned 30 three weeks prior, was assigned to the Air Force's 552nd Operations Support Squadron at Tinker Air Force Base in Oklahoma City. In addition to being a 12-year veteran of the Air Force, Daniel also lived for several years in Oklahoma with his wife Sonya of Oklahoma City. As his family recently said, Daniel died just as he lived—serving God and others. He died honorably serving his country so that we may continue to enjoy the freedoms that many of us take for granted.

Army PFC Charles P. McClure, of Stratford, OK, died on May 2, 2013, serving our Nation at Camp Buehring, Kuwait. Private First Class McClure was assigned to 4th Battalion, 42nd Field Artillery Regiment, 1st Brigade