We will continue to keep a close eye on Kentucky and other States in the affected region, and make sure people have everything they need to clean up, rebuild, and reclaim their dignity from the wreckage of this tragedy.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

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.

The assistant 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. 1730 (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.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 90 minutes equally divided and controlled between the two leaders or their designees.

The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I rise in strong, passionate support of the Blunt amendment. It is a very important amendment which we will be voting on as an entire Senate at 11 a.m. this morning.

The Blunt amendment is an absolutely necessary measure to fix what is a very egregious overstepping of the bounds of government in terms of the newly articulated ObamaCare mandate on religion. As we all know through the debate and discussion of the last several weeks, the Obama administration has made it clear that everyone, including persons of faith, including religious institutions, are not only going to be forced to buy a product in the marketplace—and many of us think that itself is unprecedented and unconstitutional—but it gets worse because they will be forced to buy a product in the marketplace that violates their conscience, that violates their core beliefs.

Catholics and many other Christians, many people of faith, do not believe in certain activity and treatment that is mandated now to be covered by this mandatory insurance. That is crossing a line we have never before crossed in this country, in terms of government power, government mandates, and government intrusion into the conscience of others and to the free exercise of religion. We absolutely need to fix this.

This is a fundamental conscience issue. This is a freedom of religion issue. That is exactly why it is so important.

Let me also clarify, this is not merely about contraception. Folks on the other side are doing this, and of the media constantly put it merely in those terms. First of all, those measures in and of themselves violate the conscience of many Americans. But, second, it is not just about that, it is about abortion-inducing drugs such as Plan B, it is about sterilization. Clearly, the government mandating Americans to buy, to pay for, to subsidize these measures violates the conscience of tens and tens of millions of Americans. That is why we must act, hopefully today, starting today, by passing the Blunt amendment.

The arguments made on the other side, when we look at them carefully, are not just absurd. There is President Obama’s so-called accommodation, so-called compromise, which is not an accommodation and is not a meaningful compromise at all. What did he say? He said: OK. We are not going to make Americans, persons of faith, religious institutions buy coverage they have moral qualms with. We are merely going to make the insurance provider provide that coverage whether the customer wants it or not. Well, that is a completely superficial and complete and complete and complete word game. The insurer is providing this how? What payment is supporting it? The only payment the insurer is getting is from a customer who objects to the coverage. So who is supporting it? Who is paying for it? Clearly this is a word game. If it weren’t clear enough for the typical person or institution involved, what about institutions—and there are many of them—which are self-insured? What about the University of Notre Dame, Catholic University, or Catholic institutions? They don’t go to an insurance company to buy insurance; they are self-insured. That word game doesn’t even work on the surface there. Those cases number in the hundreds or thousands around the country, and that is a clear example of how that so-called compromise or accommodation is merely a sleight of hand and a word game.

Another argument which the other side is trying is somehow correcting this situation through the Blunt amendment or through similar measures will shut down access to these services. That is patently not true. These services, these medicines, and other treatments and rights that widely available across the country at little cost or no cost for folks who cannot afford it, and that is not going to change. It is absolutely not necessary to tear away religious liberty and violate conscience rights of as many Americans with that argument in mind. It isn’t true.

That is why respected religious leaders, such as Cardinal-designate Tim-
about your wife, your sister, your daughter, your child. This is hateful, ugly language, and we condemn it. Republicans like to talk about the Constitution and freedom, but once again, when it comes to women, they don't get rights, they get restrictions. This foul and scurrilous video implies that you cannot be trusted to make your own health care decisions. Your employer may judge if your actions are moral. More than 20 million women in America—including more than 600,000 in my home State of New Jersey—could lose access to health care services they need under this scheme.

The Republican attack on women is not just happening here in Congress, it is happening on the Presidential campaign trail. I show you here what one of the two leading Republican Presidential candidates has to say about birth control:

I'm not a believer in birth control... I don't think it works. I think it's harmful to women. I think it's harmful to our society...

That is the kind of judgment they want to put in employers' hands? It is outrageous. Imagine that in a Presidential contest, dismissing the kinds of things that millions and millions of women rely upon to protect their health, to keep them from unwanted pregnancies, to keep them from disease, to keep them from all kinds of things that can make life difficult.

Women of America, former Senator Santorum and Republicans here almost require a tap on the head: Don't worry. We know what is best for you.

I want to be clear: Rick Santorum does not have your best interest at heart. He is a politician. And when we look at polls across the country, we see what the people in our society are thinking about politicians these days. It is time for Senator Santorum and his fellow Republicans to mind their business. Let's get on with the needs of the country and put people back to work, give them health care, and let them have an education. No, we are going to spend time here keeping people from going to work. There are thousands of jobs that are at stake on the legislation that is in front of us.

I have five daughters and eight granddaughters and the one thing that I worry about for them, more than anything else, is their health. I want to know with a little faith in the youngest of my grandchildren—I like to see their happy faces; I like to see them feeling good. And if one of my daughters or my son says so-and-so has a cold and this one fell and broke something, that is my worry for the day. That is the way it is. So I want them to have doctors making decisions, not some employer who has a self-righteous moral view that he wants to impose on my daughters, my granddaughters, or my wife. No, I don't want Republicans making decisions about my family's health care or yours or even those who are on the other side.

On our side of the aisle, we believe that women are capable of making their own health care decisions, and that is why President Obama is trying hard to make contraception more affordable because he knows it is basic health care for women and almost all courts have ruled that women have control at some point in their lives, and yet many have to struggle to pay for it. We ought to applaud President Obama for trying to make it more affordable. He believes they are capable of making a responsible decision. He wants them to be healthy. His proposal respects the rights of religious organizations that don't wish to provide birth control to their employees. Under the President's plan, women who work for religious organizations don't have to go through their employer to get affordable contraception. These women will be able to get it directly from their insurance company, and I think it is a reasonable compromise. But some of our Republican colleagues refuse to recognize this.

Listen to what the other side is saying. You don't hear the Republicans talking about empowering women or giving them more opportunities. No, the GOP agenda is about denying benefits, restricting access, and taking away options.

We weren't sent here to intrude in the lives of fellow citizens or to drag women back to the Dark Ages. We were sent here to offer people options, not obstacles. So I urge my colleagues to reject this amendment, hold your head high and say to your family, your daughter, your wife, your sister, your mother: We want you to be healthy. That is our prime issue in life. I ask that my colleagues turn down this amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Utah. Mr. President, very shortly we will be voting on the amendment filed by my colleague from Missouri, Senator BLUNT—the Respect for Rights of Conscience Act. I am a cosponsor of this amendment, and I think we all ought to be cosponsors of it. Many of my colleagues have supported it as well, and for good reason. It provides statutory protection for one of our deepest constitutional commitments—the right to free exercise of religion. It is an effort to fulfill our oath to protect and defend the Constitution.

It is an effort to put the enduring constitutional rights of the American people, first, over any fleeting and controv- ersial political interests. In my view, those who support this amendment have been unjustly criticized over the past few days, and they have been unjustly criticized on a political basis, not really on an intellec- tual basis. Unable to win this debate through a fair criticism of the amendment, its critics have mischaracterized and misrepresented.

Opponents are desperate to distract the public from one simple fact: This amendment is necessary because of ObamaCare, the health care law that manifests new threats to personal liberty and individual rights with each passing week. It is an indictment of the President's signature domestic achievement and all of those who support it.

ObamaCare took over and regulated the Nation's health care sector—one-sixth of the American economy. It stripped individuals and employers of their right to go without coverage and the right to decide what type of coverage they would have.

ObamaCare is what has brought us here today. The health care law requires that women's preventive services, including sterilization and access to abortion-inducing drugs, be included in health care coverage beginning in 2012. This is a questionable policy in and of itself. Like the rest of ObamaCare, it assumes the government is able to provide all good things to the American people through a simple mandate with no consequences for cost and access.

The problems with this mandate were compounded, however, when the administration, deferring to its feminist allies, determined that the mandate would apply to religious citizens and institutions. To their credit, these institutions, which are compelled by this regulation to violate their moral beliefs, announced that they would not comply with this unjust law. They refused to roll over and allow the government to force them to provide sterilizations and abortion-inducing drugs to their employees. They stood as a witness for constitutional liberty, the free exercise of religion, and against an administration that put basic partisan politics above our beloved Constitution.

The President's self-proclaimed compromise does absolutely nothing to minimize the constitutional problems with this mandate. The Department of Health and Human Services never—consulted with the Department of Justice about the constitutionality of this mandate, and it shows. That is why we are here today: to undo just some of the damage to our liberty and our Constitution wrought by ObamaCare.

All of the misleading arguments regarding this amendment run square to one simple fact: ObamaCare only became law in 2010. There was no Federal mandate for these services prior to 2010, and the regulations have not yet gone into effect. In other words, nobody is taking anything away from anybody. But to hear the other side talk, one would think the cosponsors of this amendment and the groups who support it are committed to a monstrous deprivation of women's rights. With due respect, that is absolute hogwash.

I appreciate that the advocates of ObamaCare might be embarrassed by this episode, but we are not going to
let them get away with a gross misrepresentation of what we are trying to do here.

Prior to 2010 and the partisan passage of ObamaCare, access to contraceptives was abundant and nobody advocated that the Federal Government in any way intruded upon those personal, moral decisions. After 2010, access to contraceptives remained abundant, with nobody advocating for restrictions on their access.

Here is what changed in the meantime. In 2010, ObamaCare mandated that health coverage include sterilizations, abortion-inducing drugs, and contraceptive coverage. As a result, religious institutions and persons will now be compelled by the State to violate their conscience—compelled by the Federal Government to violate their conscience. It isn’t just the Catholic Church: it is many churches that feel just the same way as the Catholic Church does. It is a moral and religious issue that should not be intruded upon by the Federal Government.

Prior to 2010 and the passage of ObamaCare, the first amendment was intact. Today, the first amendment is in tatters. The Democrats who passed this law know this to be true, so they have to distract and confuse. They claim Senator BLUNT’s amendment is overbroad. They claim religious institutions and individuals would deny critical health services, such as blood transfusions and psychiatric care. The Senate Democratic steering committee claims 20.4 million women who are now receiving coverage for preventive services would lose that coverage under this amendment. Absolutely none of this is accurate.

Again, all this amendment does is restore the pre-ObamaCare status quo. All it does is restore the religious liberties and constitutional freedoms that existed prior to this government takeover of our Nation’s health care system. It restores the conscience protections that existed for all Americans for the past 220 years.

If this amendment passes, here are a few things that do not change: State mandates for health care coverage will remain in place. Title VII of the Civil Rights Act of 1964, preventing discrimination on the basis of race, color, religion, sex, or national origin in employment benefits remains in place. The Pregnancy Discrimination Act, requiring health plans to cover pregnancy, childbirth, and related conditions remains in place. The Americans With Disabilities Act prohibiting discrimination withholding of health care and other benefits for people with HIV or other disabilities remains in place. And the Mental Health Parity Act of 2008 requiring equitable coverage of mental illness remains in place.

Prior to ObamaCare, very few people—exclusive of the religious services—Democrats are pointing at in their efforts to scare the American people, and few will do so should the Blunt amendment pass. But our Constitution demands that those individuals and institutions that object to providing these services on religious and moral grounds be protected. That is what the Constitution demands.

Even though the individuals and institutions protected by the Blunt amendment are a minority, it is that minority that our first amendment exists to protect. The rule agreed to by President Obama would force religious organizations to violate their moral convictions. This cannot be allowed to stand.

I call on my colleagues on the other side to wake up and realize what they are doing. There is only so much politics that should be played around here, and this is an issue we should not be playing politics with. It involves religious freedom and liberty.

There was a time when a regulation of this sort would not have been countenanced by this body, let alone some of the arguments that have been made here to obscure the administration. It is time to make a political issue out of this.

I have had the good fortune of representing the people of Utah for many years. It has been an honor for me. In that time, I have seen good people on both sides of the aisle serve well in the Senate. One thing we could always be sure of was that when it came to our first amendment freedoms—in particular, the freedom to practice one’s religion without interference from the State—Republicans and Democrats would join together in the defense of religious rights and liberty. Why are we not joining together? Yet under this administration, our Bill of Rights has been subordinated to President Obama’s desire to micromanage the Nation’s health care system.

It was not always this way. When the Senate considered President Clinton’s health care law— itself an attempt at a sweeping takeover of the Nation’s health care system—giants such as Daniel Patrick Moynihan, a Democrat and colleague who served as the chairman of the Finance Committee, stood up for broad conscience protections such as the one we are considering today in the Blunt amendment.

I worked closely with many of my Democratic colleagues in passing the Religious Freedom Restoration Act. I was the author of that bill. We passed it overwhelmingly. I was there when President Clinton signed it into law. A lot of religious leaders were there and a lot of liberals and conservatives were there who were very happy to pass that law. But, apparently, those days of bipartisanship are laid to rest, and they are long past.

Today the administration ignores the clear dictates of the first amendment and the Religious Freedom Restoration Act...

I am putting the administration on notice: I am not done with you, and my colleagues are not done with you. Whatever happens with this vote today, you are going to be held to account for your actions. We are going to get to the bottom of how this happened and, ultimately, I am confident that justice will prevail.

Ultimately, I am confident justice will prevail. I commend my colleague from Missouri and all of the Members who have spoken out for this amendment. It is reasonable. It is just. I urge all of my colleagues to vote for it.

The American people understand this amendment is necessary because of ObamaCare, and they know who is responsible for this monstrosity. I expect they will look favorably on those who stand up for the first amendment today and attempt to reverse the folly by restoring the conscience protections that preexisted ObamaCare. The reaction to those who stand by this historic deprivation of first amendment rights? Only time is going to tell.

Let me close by saying there are very few things that get me worked up as much as I am about this. I feel very deeply about a lot of things, but the first amendment, to me, means everything. I personally have been told on behalf of the President say, well, we will just require the insurance companies to provide this. Give me a break. A lot of Catholic institutions are self-insured, and that is true of other churches as well.

Religious beliefs are important. The first amendment is important. The free exercise of religion is important. That is what is involved here.

My gosh, to hear these arguments that the First Amendment—that is not what it is about. It is about the right of people with religious beliefs to practice their religion, unmolested by government.
I want to commend the distinguished Senator from Missouri. It takes guts to stand up on these issues when they are so distorted by some on the other side. I would be ashamed to make some of the arguments that were made on this issue. The Catholic Church, which is the largest congregation in our country, is not going to abide by this mandate. And I am 100 percent with them.

When we start going down this road, let me tell you, beware, because that is when tyranny begins. The religious commitments of our Nation have made it the greatest Nation in the world. I have to tell you, those of you who vote against this amendment are playing with fire. Those of you who vote against this amendment are ignoring the Constitution. Those of you who vote against this amendment are wrong.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. BENNET. Mr. President, I want to, since he is on the floor, recognize the Senator from Utah and his extraordinary service in the U.S. Senate. We do not agree on this issue, but he has done a tremendous job for the people of Utah and my colleagues.

I rise to talk a little bit about the amendment we are considering that would allow all employers and insurers to deny coverage, particularly for women, on any health care procedure or service they object to—not the women, but the employers and the insurance companies—on moral or religious grounds.

The first thing I want to do—and I have not been around here a long time, but I want to first observe in what context we are discussing and debating this amendment. We have devoted extensive floor time on this amendment about contraception and the lack of coverage for women’s health care in the context of a job-creation bill, in the context of the Transportation bill. This is the bill I hold in my hand. This is the bill that is on the floor of the U.S. Senate right now. The title of this bill is the Surface Transportation, a third Democratic, a third Republican, and a third Independent.

A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

I would have thought those “other purposes” would be related to transportation, transit, to job creation in the United States. I do not think the “other purposes” that are talked about in this bill have anything to do with contraception or women’s health. But that is what we are spending our time debating this week on the floor of the Senate, instead of passing this Transportation bill and putting people in this country back to work. How is this conversation relevant to job creation or to get our economy moving? It is not.

In my home State of Colorado, I have held hundreds of townhall meetings in red parts of the State and blue parts of the State, and I do not remember a single time this issue—the issue that is of concern with this amendment—has been raised by anybody—by anybody—in 3 years.

I can tell you what people are talking about in Colorado. They want to know why we are not spending our time working on how to create more jobs for them, more jobs in the 21st century in this country or how to fix this Nation’s debt, and how to repair the Bipartisan Transportation bill that creates immediate jobs and fixes a crumbling infrastructure, while maintaining the infrastructure assets our parents and grandparents had the thoughtfulness to build for us—another case where political games are risking our ability to provide more opportunity, not less, for the next generation of Americans, something every single generation, until this generation of politicians—has treated as a sacred trust. Instead, over the last several weeks, we have continued to debate about women and whether they should have access to the health care services they need, and whether they should be the ones who are able to make the decisions about the health care services they need. And we sit here and wonder why the U.S. Congress is stuck at an approval rating of 11 percent because percent of Americans are talking about contraception in the context of a Transportation bill.

I have a wife and three daughters—12, 11, and 7. There are a lot of women in my life telling me what to do every minute of every day and during the week, and thank goodness for that. One thing I know is they do not need to be told by the government how to make their own health care decisions—nor does the 362,000 Colorado who would be affected immediately if this amendment passed.

This amendment is written so broadly that it would allow any employer to deny any health service to any American for virtually any reason—not just for religious objections. Women could lose coverage for mammograms, prenatal care, flu shots, to name only a few—among other things—and yes—the right to make decisions around contraception and their own reproductive health.

My State, the great State of Colorado, is a pluralistic state, and a diverse state. It takes guts to stand up on these issues when they are debated right now is because the administration issued an order that is unprecedented. It is unprecedented because the mandate provisions of the health care bill are also unprecedented. That is the reason we are debating this amendment. The administration brought this up. I am still amazed by the fact that the administration would not have excluded all of at least the faith-based institutions from their order.

The Catholic hospitals, the Baptist universities, the Catholic schools of all kinds, the Christian schools of all kinds, the Muslim daycare centers—why would they not have exempted these people? They say: We exempted the church itself, as if the work of the church or the character of the church or the faith distinctives of the church, the synagouge, the mosque are only what happens inside that building.

There is a reason we have so much of our health care, our social services provided by faith-based institutions, and one of the reasons is those faith-based institutions want those institutions—that they fund, they support, they encourage—to reflect their faith principles. What is wrong with that?

There are a couple of issues here. One is the separation in the President’s mind of the work of the church or the synagogue or the mosque from the building itself. It is impossible to separate those two things; otherwise, you have another high school that has a chaplain, you do not have a Christian high school or you have another hospital that is run by the Sisters of Mercy, you do not have a Catholic hospital, because you have decided you are going to define the character of what that hospital stands for and what they provide.

The administration recently took a Lutheran school to court. The EEOC took a Lutheran school to court and asserted that school did not have any special constitutional protections as to how they hired people, and you could have heard all these same kinds of arguments: Well, they will discriminate
against people; they will not hire people who otherwise should be hired; they will not make accessibility to the handicapped. You could hear all of that sort of thing, none of which would have been true, and the Supreme Court voted 9-0 that the administration was wrong.

You can try all you want to separate these two issues, but they do not separate. They are both fundamental first amendment issues.

Let’s talk about some of the things I have heard here this morning. My good friend, Senator BENNET from Colorado, said if this amendment passed, 362,000 Colorado women would lose their current health care services. Why would that be the case at all? This amendment does nothing to modify State or Federal laws that are now in effect. If you have those services now, there is nothing in this amendment that would change the world we live in right now. People have the same protection today to exclude those views. I understand health care policies that they provide as an employer that they would have if this amendment passed. They have those protections now. They would not lose those rights.

It does not qualify any State or Federal law. And there are plenty of Federal laws. There is a Federal law on pregnancy discrimination that says pregnancy-related benefits cannot be limited to married employees. That law does not go away if this amendment passes. State laws that require things to be in health care policies, if you have one, do not go away if this amendment passes. It only amends the new mandate provisions of title I of the new health care law, the health care law that has received so much controversial attention, for good reason. And this is one of those reasons.

Supplying respect for religious beliefs and moral convictions is already part of Federal health programs of all kinds, it just does not happen to be in the new law. There is no health care law since 1973 that does not have these provisions in this bill that are part of the law. The law is there now, and the world does not change. No Colorado woman will lose any health care benefits they have today if this amendment passes. No New Jersey woman will lose any benefits they have today if this amendment passes.

Regarding the health care service people may be worried about, we asked one question: Are people allowed to exclude this service from their health care benefit under current State or Federal law? If they are not allowed to exclude it under current State or Federal law, they would not be allowed to exclude it if this amendment passes. If they are not allowed to exclude it, they are still not allowed to exclude it under this amendment. And if they are allowed to have such a service, why haven’t the critics been forefront? This amendment does not change anything in the law today. So why haven’t we heard these speeches before about how the law does not protect employers from deciding not to offer this or not to offer that? In fact, this makes it much more difficult to exclude services than it is now.

In fact, it allows for an actuarial equivalency to be added to a policy if you take something away. That means there is no financial reason—there is no financial reason—to exclude a service because if you exclude a service because you believe it is the wrong thing, the Secretary of Health and Human Services has the power to say: You have to come back and include a new service of equal value that we did not require.

I assume everybody on the other side of this debate would think that employers must be motivated to exclude these services if they are not legitimate religious beliefs and moral convictions; that they must exclude them because they would save some money. We do not allow them to save money. Under the mandatory view, I use the language of the Secretary of Health and Human Services can say: OK. You can exclude that, but you have to include something we did not require something of equal value. That means something that is going to be equally costly to the employer. What means something that is going to be equally costly to the employer.

Why would the employer do that? I mean, why are we not hearing all these stories now about how—why did the 20 million women today who currently have health services today—I think it is 20 million—why do they have those services? There is nothing in the law that requires it. This law does not change the laws today.

From the point of view of having a policy to the mandate that would be of value. And the language of equivalency in this bill means, if they choose not to pay for that, the Secretary can say: OK. Come up with something else that would be equally used and equally valuable that they would pay for. So there is no financial reason not to do it. The only reason not to do it is they truly believe it is a wrong thing to do. Surely, every person in the Senate has at least one thing that because of the reasons they believe is wrong they want to do. Do they want to be forced by the government to be a participant in that wrong thing? The things we are talking about, in my particular faith, I am not opposed to all these things the President said he would require. But what does not mean I should be any less concerned about people who legitimately, week after week at their place of worship, express this to be something that they would not participate in. Do they want to go on their own and figure out how to participate, that is one thing. If they want to go on their own and provide insurance to their employees that include these things that they heard at church are wrong to do, that is another thing. But if they want to say, look, I am not going to do that—but under the new mandate, we do not do anything that eliminates the mandate. There is still a mandate—under the new mandate, I am not going to do that, but I am going to have to pay for the policy to the mandate that would be of equal financial value, of equivalent value.
So the only reason to object is they believe it is wrong, and that what the first amendment is all about. That is why, consistently, through employment law we have protected—even though the administration lost a 9-to-0 case trying to interpret that the same way they interpreted that the government knows best. If we are allowed to, we will abuse the hiring situation. Now they say if we are allowed to, we will abuse the health care provision situation.

I think the financial incentive to do that. I believe that this does protect first amendment rights. The first freedom in the founding documents is freedom of religion, and we have protected it over and over again. Every Member of the Senate who has been here in any recent time, except the very newest Members, have voted for bills that had this language in them, whether it was the Clinton administration, whether it was the Patients’ Bill of Rights or the religious freedom law. It was all there.

I think this is—to come up with all these cases that they would not treat prenatal care, might not treat cancer—why would they not do that? If they do not treat that, they have to pay for something else of equal value. Look at the very last provision of this amendment.

So there is no financial reason not to do this. The only reason is that they believe it is against their religious views. The phrase we use in this bill is exactly the phrase Senator Moynihan used, it is exactly the phrase Frank Church used, it is exactly the phrase people on the floor at this moment voted for when they said we do not want people to have to participate in capital punishment or prosecuting crimes where capital punishment is a possibility because of religious belief or moral conviction.

It was good enough for everything up until now, including this principle, until we get to 2012. Suddenly, we have all these reasons people cannot make faith decisions that relate to providing health care to employees. I disagree with that.

I think the first amendment protects that. I believe if and when—if this rule goes forward, it will go to the Supreme Court. It will be something close to that. The only reason is that they believe it is against their religious views. The phrase we use in this bill is exactly the phrase Senator Moynihan used, it is exactly the phrase Frank Church used, it is exactly the phrase people on the floor at this moment voted for when they said we do not want people to have to participate in capital punishment or prosecuting crimes where capital punishment is a possibility because of religious belief or moral conviction.

I know my colleague from Missouri thinks this issue might just be about something the administration has done in the health care bill, but his party is making everybody in America believe that if we want to save money, we cannot do anything. We have to stop, we cannot stop, we cannot go on and balance our budget and deal with our deficit unless we defund women’s health care choices. Nothing could be more incorrect about that logic.

We are holding up the business of America just for these votes on basically curtailing rights to access that women already have. It is so frustrating to think we would be going backward on this. I applaud the chair of the Transportation Committee for his leadership on this legislation. It is 30,000 jobs in the State of Washington by the Department of Transportation estimate.

I know it is going to help save about 1.8 million jobs and create another million jobs on a national basis. So I certainly want to get to the job at hand. When I think about the 435,000 Washington women who would be affected by the Blunt amendment, by curtailing women’s reproductive health care choices, while some people think it is about contraceptives, which it is about that, but it is also about breast cancer screening—and we have one of the highest rates of breast cancer in the country, so we have to make sure we get these screenings done—about wellness exams, about diabetes screening, about flu shots, about vaccinations, about mammograms, about cholesterol, we are having this debate instead of talking about transportation infrastructure.

I think the first amendment protects that. I believe if and when—if this rule goes forward, it will go to the Supreme Court. It will be something close to that. The only reason is that they believe it is against their religious views. The phrase we use in this bill is exactly the phrase Senator Moynihan used, it is exactly the phrase Frank Church used, it is exactly the phrase people on the floor at this moment voted for when they said we do not want people to have to participate in capital punishment or prosecuting crimes where capital punishment is a possibility because of religious belief or moral conviction.

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business at hand, focusing on our economy and jobs, and stop making women's health care a scapegoat for what you think is wrong with America. It is actually what is right with America. Let's focus on jobs.

The PRESIDING OFFICER (Mr. Brown of Ohio). The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I have always been a very strong proponent of family health planning programs and of measures to promote and protect women's health. Like many Americans, however, I was very concerned in January when the Department of Health and Human Services issued a final regulation on requirements for religiously affiliated hospitals, charities, and other faith-based organizations to pay for health insurance that covers contraceptives and sterilizations regardless of the organization's religious beliefs. I believe such a mandate poses a threat to our religious freedom and presents the same problem that the President has been so clearly articulating in his speeches.

Mr. President, while I plan to support the amendment, I do so with serious reservations because I think the amendment does have its flaws. But when the administration cannot even assure me that self-insured faith-based organizations' religious freedoms are protected, I feel I have no choice. I hope that if we are left with another example of political pandering that has so tested Americas' patience.

Since I could not and did not receive a straightforward answer to my question about protecting self-insured faith-based organizations, I feel that I have to vote for Senator Blunt's amendment, with the hope that its scope will be further narrowed and refined as the legislative process proceeds.

Critics of the Blunt amendment have charged that employers could use it as an excuse to deny coverage for services simply as a means to reduce their insurance costs. As Senator Blunt, however, has pointed out, the amendment includes specific language to require that the overall cost of the coverage remains the same even though an employer excludes certain services because of their religious beliefs. As a consequence, under this amendment, employers would have no incentive to exclude coverage of items or services simply because of financial considerations.

Mr. President, while I plan to support the amendment, I do so with serious reservations because I think the amendment does have its flaws. But when the administration cannot even assure me that self-insured faith-based organizations' religious freedoms are protected, I feel I have no choice.

I hope that if we are left with another example of political pandering that has so tested America's patience.

Sincerely,

Susan M. Collins,
United States Senator.
in a rulemaking process that was designed to accommodate religious organizations' beliefs. We are engaging in a collaborative process involving faith-based organizations, plan administrators, faith-based organizations, and women's organizations to develop policies in this area. Our preliminary discussions reflect a shared refusal right. The Blunt amendment must be defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak for up to 5 minutes on the Blunt amendment.

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

Mr. SANDERS. Mr. President, in Vermont and across this country, there is growing frustration that Members of Congress—mostly men, I should add—are trying to roll back the clock on women's reproductive rights—in this case, the right of women to receive contraceptive services through their insurance plan. This attack is grossly unfair, and I hope men will stand with women's reproductive rights—in this way or the highway'' approaches to partisan politics that have made it harder for people to work with each other and actually get things done. I would never speak for her, but I think given the context of what is wrong with the Senate today, she has made a decision not to run for reelection. I think the amendment we are debating today, frankly, is Exhibit A.

Two years ago many of us voted to end an era where many Americans felt that women in particular but poor people and others also were put into a position of a second-tier status with respect to access to health care in America. There were so many discrepancies. One example, for instance, that was in the Interim Final Rules authorizing the so-called conscience clause included in the Blunt amendment would allow an employer to refuse coverage of contraception, even for those women who don't wish to have children. This attack is grossly unfair. So I take issue. I believe that is in front of us today. I believe it to be a good thing to have an affiliated institution to pay for contraception if it violates fundamental religious beliefs.

I am glad to say that the administration of the White House, and I think perhaps hadn't been able to see all of the implications of what had happened at that point in time—quickly moved to recognize that indeed the rule was not proposed as it ought to be, and they changed it. They responded. That was the right decision. This week, Secretary Sebelius made it clear they are still working with the faith community on a final rule that will address the concerns of my church and of other institutions which are self-insured.

But with all due respect to what the Senator from Maine, Senator COLLINS, said a few minutes ago, Secretary Sebelius said publicly, after the Senate Finance Committee hearing on this rule, he acknowledged that it is an insured plan or self-insured plan, the employer who has a religious objection doesn't have to directly offer or pay for contraception. So I take issue. I believe the letter the Senator received actually addresses this and says they are working with the community, as I believe they ought to, in order to come up with a means of guaranteeing that self-insurance will be protected, as I believe it ought to be protected.

But I don't believe we ought to embrace the Blunt amendment as this broad-based opening of Pandora's box that carries with it all kinds of other risks and potential mischief. We don't have to do that now that the self-insured here. I think it is important to want to work together with patience to try to find a way to do no harm, if you will, to the Constitution or to the rights of women in this country to access health care. I believe in the spirit of the amendment that is in front of us today. I know the Senator from Missouri acts in good faith personally, and I respect that. But language is always important, particularly in the language is overbroad. If there is one thing I know after 27 years of legislating here, it is that when you are
writing legislation, it is critical to understand the implications of the language you use. Precision matters. This amendment opens the potential for overly broad and vague exceptions that could allow children to be denied immunizations. It could allow a company, including a company that is quite different from an individual’s right to protection under the Constitution—to actually object to mental health services. It could allow for the denial of HIV screenings because people think somehow that is a disease that belongs to a category they object to in terms of social life and structure in America. It would allow, potentially, the objection of maternity care for single mothers because people have an objection to a single mother being pregnant and having a child.

There is all kinds of mischief that could be implemented as a consequence of people’s assertion of a belief that is not in fact covered under the first amendment but which, as a result of the first amendment, could be swept into some claim, and I don’t think we should do that. That is not good legislating. That is dangerous.

I was interested to hear the minority leader this morning assert some things about the first amendment. I think they are absolutely incorrect. The first amendment is a guarantee that religious liberty will be protected in America and that government will not institute one religion or another or establish a religion for the Nation. It also represents a view that is imposed on anybody. The Blunt amendment is, in fact, an assault on that protection of the first amendment because it imposes one view on a whole bunch of people who don’t share that view or on those who want to choose for themselves.

The Affordable Care Act and the President’s compromise and the final rule leave all of the existing conscience clause provisions in place—it doesn’t change anything at all—while adding additional protection for churches and for religious organizations. The administration’s compromise regulation, endorsed by the Catholic Hospital Association and other religious organizations, maintains conscience protections so that any religious employer with objections to coverage of contraceptive services will not be required to provide, refer, or pay for these services. Furthermore, all churches and houses of worship are exempt from the compromise regulation.

In fact, as the Women’s Law Center pointed out:

Under current law, individuals and entities who wish to refuse a role in abortion services are protected by three different federal laws, the Church Amendments (42 U.S.C. §§300a-7), the Coats Amendment (42 U.S.C. §238n), and the Weldon Amendment, which is attached to the Labor-HHS appropriations bill each year. The health care reform law explicitly provided that the Weldon Amendment, which is attached to the Coats Amendment (42 U.S.C. § 238n), and the Church Amendments (42 U.S.C. §300a–7), would be strengthened to give religiously affiliated, non-profits such as hospitals, schools, and charities, to exclude contraceptive care in the health insurance plans they provide to their employees, but only if their insurer directly contacts each employee and makes them aware that they are eligible to obtain contraceptive coverage at no cost if they choose to do so. In my view, this proposal fails short of protecting the values and beliefs of America’s faith-based institutions. It can and should be strengthened to give religiously-affiliated organizations the same protection which is finding a balance between requiring health insurance plans to cover a core level of benefits and respecting the religious rights and moral beliefs of those who will be mandated to purchase these health insurance products. The administration’s dialogue with the religious community has been characterized as “mischaracterization.” Refusals were business as usual. They had very little, if anything, to do with an individual’s or insurance company’s conscience. They had to do with insurance companies’ coverage of services, like maternity care or mental health. But to call the refusals that happened before health care reform a “conscience right” is a mischaracterization. Refusals were business as usual. They had very little, if anything, to do with an individual’s or insurance company’s conscience. They had to do with insurance companies’ coverage of services, like maternity care or mental health. But to call the refusals that happened before health care reform a “conscience right” is a mischaracterization. Refusals were business as usual. They had very little, if anything, to do with an individual’s or insurance company’s conscience. They had to do with insurance companies’ coverage of services, like maternity care or mental health. But to call the refusals that happened before health care reform a “conscience right” is a mischaracterization. Refusals were business as usual. They had very little, if anything, to do with an individual’s or insurance company’s conscience. They had to do with insurance companies’ coverage of services, like maternity care or mental health. But to call the refusals that happened before health care reform a “conscience right” is a mischaracterization.
of their religious beliefs as the administration would give to houses of worship.

I do not see why religious affiliated institutions like hospitals, universities and their employees should be treated differently than churches, synagogues and their employees. Many States, even the laboratories of our democracy, have already addressed this question in a reasonable and responsible way that is different from the administration’s response. In fact, many States have established their own mandates with regard to contraceptive coverage, and along the way devised their own approaches to respect the balance between requiring health insurance plans to cover a core level of benefits and respecting the right of conscience for those who purchase or offer a private health insurance plan to their employees.

Specifically, I believe that Connecticut’s approach to this question is one that could serve as a model of how to address this issue on a national level. In Connecticut, health insurance plans are required to cover contraceptive care for all women, but the law provides a full exemption for health insurance plans purchased and provided by churches and church-affiliated organizations, acknowledging their unique, faith-inspired mission and core religious values. Specifically, the law in Connecticut that churches and their affiliated institutions may be issued a health insurance policy that “excludes coverage for prescription contraceptive methods which are contrary to the religious employer’s bona fide religious tenets.” The law in Connecticut also allows any individual beneficiary in any health insurance plan to opt out of contraceptive coverage as long as she or he notifies their insurance provider, “that prescription contraceptive methods are contrary to such individual’s religious or moral beliefs.”

Unlike Connecticut’s approach, Senator BLUNT’s amendment would provide a broad based exemption from all mandated health insurance benefits required by the Affordable Care Act—by allowing any business or organization to refuse to offer any coverage to its employees that it finds objectionable on a religious or moral basis. Such a broad exemption could undermine the intent of Congress in mandating coverage for essential services as maternity care, mental health, and immunizations.

In conclusion, the experiences of many of our States, including Connecticut, shows that it is possible to find a better balance between requiring health insurance companies to offer a quality health insurance product and respecting the religious liberties of our Nation’s religious-affiliated organization than either the administration or this amendment. To move forward on this important debate and find a way forward on this important issue than the options that have been presented so far and I hope to work with my colleagues in the Senate to develop one.

Mr. LEAHY. The Senate is considering a bipartisan bill that would reauthorize critical infrastructure investments and that will protect an estimated 1.8 million jobs if enacted before the end of this month. Unfortunately, in order to move forward on this important legislation, my friends on the other side of the aisle have demanded that we first consider an amendment entirely unrelated to transportation or even job creation. We have now spent the past 2 days considering a Republican amendment that would roll back access to health care for millions of Americans.

Access to health care for women has come under attack in recent weeks after the Department of Health and Human Services announced it would follow the recommendations of the nonpartisan Institute of Medicine and require that the Affordable Care Act, health plans must cover a range of preventative services for women, including contraception. This is not a novel solution. Twenty-eight States, including Vermont, already require such coverage. The new rule will also require health plans to cover a range of services for women including mammograms, prenatal screenings, cervical cancer screenings, flu shots, and much more.

Some religious institutions were apprehensive about the policy and, in response, the Obama administration made further accommodations to address these concerns. The new policy strikes a reasonable balance and is a solution that continues to recognize the obvious truth that women have a right to affordable and comprehensive health care, just as men do. One thing we all should agree on is that availability of birth control has improved women’s health and reduced the number of teen pregnancies and the rates of abortion. This should be applauded.

Unfortunately, this compromise did not satisfy some who insist on politicizing women’s health. At a House Oversight and Government Reform Committee hearing a few weeks ago, a thoughtful Georgetown law student was prevented from testifying about her experiences because she was deemed not “appropriate and qualified” to testify at the hearing by its Republican leadership. And surprisingly, the all-male panel failed to raise any first-hand concern about women’s health care needs. Rather than demonizing women who speak out on behalf of the millions who use contraception, we should be having a principled debate about access to health care. Last year, Congress nearly shut down the government over funding for Planned Parenthood and other Title X providers. States have recently followed suit by passing laws limiting women’s access to contraception. We must focus on being on improving access to quality and affordable health care for all Americans, not arbitrarily restricting important services needed by millions of women.

The Republican amendment marks just the latest overreach and intrusion into women’s health care. While this debate began as one focused on access to basic health care, it has a far greater reach and jeopardizes virtually any health care service that an employer or insurance plan deems contrary to its undefined “moral conviction”—whether the employer is a religious institution or not. For example, all health plans must cover the coverage of vaccinations or HIV/AIDS treatment based on a moral or religious objection. The pending amendment would allow any employer or insurer to refuse contraceptive coverage, annual well-women visits, gestational diabetes screening, and domestic violence screenings. This amendment could allow an insurance provider to refuse coverage of health care services to an interracial couple or single mom because of a religious or moral objection.

At the core of the Affordable Care Act was the principle that all Americans, regardless of health history or gender, have the right to access health care, just as men do. One thing we all should agree on is that availability of birth control has improved women’s health and reduced the number of teen pregnancies and the rates of abortion. This should be applauded.

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allows any insurance company that doesn’t want to provide a service—maybe an expensive service—to say, oh, I meant to tell you, I have a moral objection to this.

What a situation. How many people have struggled with their insurance companies to get them to cover what they have paid for for years and years and years, only to have the insurance company say, sorry, sue us. Now Mr. BLUNT is giving insurance companies a way to say, oh, we feel sorry that you have cancer, we are sad you have diabetes; we are torn apart you might have a stroke, but, you know what, we have a moral objection to the kind of therapies that are out there today, so we are sorry.

That is what the Blunt amendment does.

Should anyone think I am making it up, let’s look at the words in the Blunt amendment. They are right here. They are right here. The Senator from Maine can say whatever she wants about it, the Senator from Missouri can talk about what he wants to, but the fact is they say if you deny any coverage from the essential health benefits package or the preventive health package. In the middle of the night, all the numbers were decided, all the issues were decided, and we were ready to move forward within hours to make sure our government did not shut down. What was the last issue between us and the doors of this government closing? The funding for Planned Parenthood.

I was the only woman in the room, and I stood with those men and I said, no, we will not give away the funding for this over this budget. The women of the Senate the next morning stood tall. We gathered all our colleagues together and we fought back and we won that battle. And those who are trying to take away the rights of women to make their own health care choices and to have access to contraception in this country to control their fertility are today have been at it every day since.

We are not going to allow a panel of men in the House to make the decisions for women about their health care choices. We are not going to allow the Blunt amendment before us today to take away that right. We believe this is an important day. In fact, this happens to be March 1, the beginning of Women’s History Month in this country. Let us stand tall today in this moment of history and say the United States Senate will not allow women’s health care choices to be taken away from them.

I urge my colleagues to vote with us to table the Blunt amendment and to tell women in this country everywhere that we stand with them in the privacy of their own homes to make their own health care choices.

Mrs. MURRAY. Mr. President, has all time expired?

The PRESIDING OFFICER. All time has expired.

Mrs. MURRAY. I move to table the Blunt amendment.

The PRESIDING OFFICER. All time has expired.

Mrs. MURRAY. I move to table the Blunt amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the Blunt amendment. The funding for Planned Parenthood.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

-American people are watching today. Young women are watching today. Is the Senate a place where their voice will be heard and their rights will be stood up for?

We have watched this assault on women’s health care for more than a year now. A year ago, almost to this very day, we were working to make sure we kept the government open by putting together our budget agreement. In the middle of the night, all the numbers were decided, all the issues were decided, and we were ready to move forward within hours to make sure our government did not shut down. What was the last issue between us and the doors of this government closing? The funding for Planned Parenthood.

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-American people are watching today. Young women are watching today. Is the Senate a place where their voice will be heard and their rights will be stood up for?
Mrs. HUTCHISON. Madam President, I see the Senator from Arkansas on the Senate floor. I will follow the Senator from Arkansas on another piece of legislation about which I hope to speak, but I do want to take about 5 minutes to read the letter William Barret Travis is sent from the Alamo, 176 years ago tomorrow, March 2, 1836, is the anniversary of that famous event.

I am going to read this letter in commemoration of Texas Independence Day because it was on that date that Texas declared its independence from Mexico. Fifty-nine brave men signed the Texas Declaration of Independence, putting their lives, and the lives of their families, on the line to declare that “the people of Texas do now constitute a free, Sovereign, and independent republic.”

I am proud that my great-great-grandfather, Charles S. Taylor, was willing to sign that document that declared our freedom. In fact my son Houston is named Houston Taylor Hutchison for that Texas patriot. I am humbled to hold the seat that was first held by another signer, and one of Charles S. Taylor's best friends, and that was Thomas Rusk, who was the Secretary of War who defended the Declaration of Independence by fighting at the Battle of San Jacinto.

As was the case in the American Revolution, our freedom was ultimately secured through the actions of the brave Texans who fought and died on that day. The late Senator John Tower started the tradition of a Texas Senator reading the Travis letter, and it was continued by Phil Gramm, and I took it over in 1994. This is something we do to tell America and to assure that Texans always remember this day in our history because after this, of course, we became a republic and we were a republic for 10 years before we became a part of the United States.

So it is with pride that I read—for the last time as a Senator representing Texas—the wonderful letter that was written by COL William Barret Travis.

He said:

To the people of Texas and all Americans in the world—

Fellow citizens and compatriots—I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves o’er the walls. I shall never surrender or retreat.

Then, I call on you in the name of Liberty, of patriotism and everything dear to the American character to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his own honor and that of his country.

Victory or Death.

WILLIAM BARRET TRAVIS LT. COL. COMDT.

True to his word, he did not surrender. The Mexicans did have thousands of reinforcements. He drew a line in the sand at the Alamo. All but one man bravely crossed that line or was carried over it on a stretcher to accept the challenge to stay and fight. These men knew they would never leave the Alamo alive, but they heroically defended the Alamo for 13 days; the 13 days they fought against a force that eventually outnumbered them by more than 10 to 1.

William Barrett Travis, Davy Crockett, Jim Bowie, and the rest of the 189 men at the Alamo gave their lives fighting for something greater than themselves. It was that delay that gave GEN Sam Houston the time to organize his men and retreat to a point they could defend, which eventually became the Battle of San Jacinto. Just seven weeks later, on April 21, 1836, Sam Houston—because of that delay that was given to them by William Barret Travis and the 189 men at the Alamo—was able to take a stand at the Battle of San Jacinto, and Texas was a republic for 10 years. Texas is the only State that was a republic when it entered the United States. With that distinction, we like to share our vivid history.

It has been a wonderful opportunity for me to be able to read this letter every year. I feel sure it will be continued by Senator CORNYN or my successor in this seat. We will always make sure people know we fought for our freedom just as the American patriots did, and we are very proud to have that rich and colorful history.

So I thank the Senator from Arkansas, and I look forward to serving the rest of my term, but this will be the last time I get to share this piece of history.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I think it is unanimous on this side of the aisle that we are going to miss the Senator from Arkansas when she leaves, and it is sad to hear about her doing something for the last time in the Senate. She has been a wonderful Senator and colleague and all of us on the Democratic side, and I am sure the Republican side as well, will greatly miss her.

I wish the RECORD to reflect that Texas does have a glorious history. One of the things we are proud of in our State is that many of the men who gave their lives for the republic of Texas at the Alamo actually passed through Arkansas because that was the Southwest Trail back in those days. Many of those men passed through the State—actually, it was a meeting place, maybe a tavern I think they might have called it back then—near Hope, AR. So we share a little piece of that history in our State as well.

Mrs. HUTCHISON. Madam President, I wish to thank the Senator from Arkansas for his kind remarks. I have so enjoyed serving with his father before him and then him. It is a point of history for Arkansas that this Senator