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. 1520 (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 of the debate and most 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, 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, do not hold water. First of all, 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 completely meaningless 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 has made in this debate is that 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 are widely available in every community 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 millions of Americans with that argument in mind. It isn't true.

That is why respected religious leaders, such as Cardinal-designate Timothy Dolan, president of the U.S. Conference of Catholic Bishops, has argued strenuously and passionately against this mandate. Cardinal-designate Dolan said:

> Never before has the Federal Government forced individuals and organizations to go out into the marketplace and buy a product that violates their conscience. This shouldn't happen in a land where free exercise of religion ranks first in the Bill of Rights.

And so that is what it comes down to, free exercise of religion and fundamental conscience protection. The first amendment to the Constitution, the first item in the Bill of Rights, it doesn't get much headier or more significant than that, and that is what this is all about. Again, it is all about, yes, contraception, but abortion, abortion-inducing pills like Plan B, and sterilization.

Mr. President, please assure me that the free exercise of religion is not now a partisan issue. Please assure me that we are going to correct this situation and not allow this egregious overstepping of the bounds of the power of government. We must act to stop this grave injustice, and I hope we start that process in a very serious way today by voting positively and passing the Blunt amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, we are engaged in the business of the Senate, and it is not always discernible that it is the business of the people. What we see taking place these days is a principle mantra of Republicans on the campaign trail seeking more freedom for the American people. The Republicans like to say they ''don't want government interfering in people's lives.'' Then I ask: Why the devil are we debating a Republican amendment that limits a woman's freedom to make her own health care choices? With women, the Republicans have a different idea about freedom. They want government to interfere in the most personal aspects of women's lives.

The amendment offered by the Senator from Missouri, the Blunt amendment, will allow a woman's employer to deny coverage for any medical service that they, the employer, have a moral problem with. Imagine that. Your boss is going to decide whether you are acting morally. The Republicans want to take us forward to the Dark Ages again when women were property that they could easily control and even trade if they wanted to. It is appalling that we are having this debate in the 21st century.

Yesterday we heard something astounding. It came from Rush Limbaugh, who is a prime voice of modern conservatism in this country. Yesterday he said—and I had it checked because I wanted to be sure that I am not misquoting anything—that a woman who wants affordable birth control is ''a prostitute.'' Talking

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 amendment before us tells women 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 a physician's training. 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 when I see those little kids—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 Republican politicians 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 women of age have used birth 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 their own 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. HATCH. 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 controversial 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 intellectual basis. Unable to win this debate through a fair criticism of the amendment, it has been 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 determine 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 or 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—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 involve itself in 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 interfered with 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 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 s discriminatory 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 excluded any of the services that 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 on the other side—trying to obscure and 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 many 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 takover 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. It overwhelmingly passed. 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.

ObamaCare is unconstitutional to its core. It threatens the liberties announced and protected by our Declaration of Independence. This mandate is just one more example of how the law restricts personal liberty. It will force religious persons and institutions to violate their beliefs or pay a fine.

Defending this disaster at a townhall meeting recently, one Democratic Member of the House of Representatives told her constituents that they were ''not looking to the Constitution'' when they supported this mandate. No kidding. Our Founding Fathers fought a revolution to prevent this type of tyranny; and that is what this is. This is tyranny. It is the political bullying of a religious group with—in the views of the President's allies—unpopular religious beliefs. So for political reasons the religious groups who differ with this are being pushed around. The media, polite society, and the administration are picking on religious freedom and on religious people.

Democrats like to claim they stand for the little guy. Not in this case. In this case, the little guy is being pushed around by the State. I, for one, am not going to stand for it. This is discrimination masquerading as compassion, and I am going to fight it. My oath of office, an oath to protect the Constitution, compels me to do this.

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 correct their 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 have heard 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 this is all about contraception—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 over many years.

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 says:

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 infrastructure? 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 or deficit or how we pass a 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 one at least—the 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. Maybe it is because we 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 do the 362,000 Colorado women 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 essential services, and, yes—and yes—the right to make decisions around contraception and their own reproductive health.

My State, the great State of Colorado, is a third Democratic, a third Republican, and a third Independent. I can tell you, the last time there was an initiative on the ballot in my State to let the government intervene in women's health care decisions, it was defeated by 70 percent of the voters. Seventy percent of the voters said: You know what. We would rather leave these decisions to women to make for themselves. That is what my daughters want as well.

People are speaking loudly and clearly on this issue all across the country. These are not the issues we should be debating right now. We need to be having the conversations people are having at home in my townhalls instead of distracting them with politics: How do we create more jobs? How do we reform our entitlements so Medicare, Medicaid, and Social Security are here for our grandchildren and for our children? How do we create an education system that is training our people for the 21st century? How do we assure poor children in this country that they can have a quality education and make a contribution to this economy?

So I urge my colleagues to oppose this amendment and help us get back on the road to passing a bipartisan Transportation bill that will create new jobs and make substantial improvements in our economy and infrastructure. There is a time to debate this, but that time is not now when we are having this infrastructure discussion, we are having this transportation discussion.

I urge my colleagues to support the rights of women all across this country and their families and reject this amendment.

Mr. President, I yield the floor.

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

Mr. BLUNT. Mr. President, the reason this amendment is being 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 now. 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 synagogue, 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 exert their religious views in their 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 modify 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 any 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 exclude such service, why haven't the critics been protesting before? 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 equivalent to have 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 conviction; that they must exclude them because they would save some money. We do not allow them to save money. So there is no reason. 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 used. That 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 200,000 women who have these 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 political discussion instead of a discussion about what the amendment does or why it is consistent with what we have always done, I think the other side has done a great job of that. But consistently we have protected this principle of first amendment freedoms. In fact, in 1994, in the bill Mrs. Clinton, the First Lady at the time, worked so hard for, that was introduced by Senator Moynihan—here is what it said. This was the bill that also would require people to provide insurance. You know we do not have much about insurance because we have not required people to provide it before. There are some Federal health benefits about insurance I may talk about in a minute that also are protected.

But this was a bill that required people to provide insurance, and Senator Moynihan said about his bill in 1994, less than 20 years ago, ''Nothing in this title shall be construed to prevent any employer from contributing to the purchase of a standard benefits package which excludes coverage for abortion and other services if the employer objects to such service on the basis of religious belief or moral conviction.''

The most amazing aspect of this whole debate, to me, is that in 20 years, this has gone from language that would be in what was considered the most progressive, liberal health care bill that had ever been offered, by one of the most respected Senators by Americans of all political philosophies but most agreed with by Americans of the more liberal political philosophy, that he would just put that in the bill—I have asked: Is there any indication in the debate on that bill that this was a big item? The answer I hear is: No, it was not a big item because it was part of who we are. It was part of what we had been as a nation. It was part of protecting the first amendment.

This amendment does not mention any procedure because I do not know what kind of—and nobody knows what might be, at some future date, offensive to somebody's religious beliefs, but they have no financial reason to not provide a service. So the only reason they would have under this amendment would be a true moral objection.

I had some initial hesitation myself. I said: OK. I understand the faith-based institutions. I used to be the president of a Christian university and so I understand why it is important those institutions keep their faith-based distinctions. But what about other employers? Frankly, I did not have to think about that very long to realize that if someone is of a faith that believes something is absolutely wrong, as an employer why would they want to pay for that? They believe this is a wrong thing to do. Why would they want to pay for that?

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 religious reasons they believe is wrong 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 that 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.

If the congregants 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 add something to 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 want to interpret this—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 providing situation.

I think we have taken away the financial incentive to do that. I believe what this does is protect first amendment rights. The first freedom in the founding documents is freedom of religion, and we have protected it over and over and over again. Every Member of this 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 Moynihan proposal, whether it was the Patients' Bill of Rights or the religious freedom law. It was all there.

I think it 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? 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 9-to-0 decision on hiring rights. There is no difference in the principle. Again, I would say, look at the last section of this bill if one believes employers are going to do this to save money.

Otherwise, what motivation do they have, besides the moral conviction and religious belief that is protected by the first amendment? I hope my colleagues will read this amendment carefully, will understand that protection currently in the law is taken away by this amendment. If one has a right now, one would still have it if this amendment passed. To argue otherwise denies the facts of both people who have coverage today and 220-plus years of constitutional protections in the country.

Read the bill. It may not change any minds today. But this issue will not go away unless the administration decides to take it away by giving people of faith these first amendment protections.

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

Ms. CANTWELL. Mr. President, I rise to join this debate. I certainly respect the Senator from Missouri for his views and for his own interpretation of what he thinks his amendment does. But I could not disagree more on what the amendment says, what the amendment will do, and what the process has been for us to get to this point.

We are down here, and I know my own office, myself, my focus is on our economy and getting our country moving again and focusing on jobs. So when I see a transportation bill that is now mired in this debate, I ask myself: How much more time are we going to waste debating and redebating an issue we have been debating?

I know some people think this is an important debate related to transportation. But it seems as if the other side of the aisle, in all the discussions we have been having for the last year about jobs, about appropriations bills, about the debt ceiling, about moving forward on reconciliation all come down to one thing: Let's get rid of reproductive health care for women.

In February of last year, they introduced a bill, H.R. 1. They said, let's defund Planned Parenthood. Then, later in April, came a big moment of are we going to move forward with the continuing resolution. It was all brought to a halt until we could have a vote on defunding Planned Parenthood. Then we had another vote on it.

In the latest discussions about the payroll deal, there were discussions about whether a rider was going to be in there that cut women's reproductive health care access and appropriations bills, just last December, same issue. Every step of the way it seems as if there is an assault on women's reproductive choice and having access to health care.

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 we cannot get our economy going 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 because she has worked hard 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 their access to health care, and 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 want 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, about defunding these vital programs. The reason why I say this is so important to us and so important to us in Washington State is because we have been having this debate, we have been having this debate since almost 2001, 2002, on the Bartell drug decision.

So my colleague who says: These businesses would not dare do anything based on costs under my amendment, I think all he has to do is look at the Federal cases that were brought against major employers such as Walmart, such as Bartell, such as Daimler-Chrysler, and other organizations that were not providing full reproductive choice for women and discriminating against them in their health care benefits.

A Federal law, a Federal statute was used to say these practices were discriminatory. So the same debate we are having today has played out in State after State—in our State, the Bartell drug decision. In that decision, the courts found we cannot use these principles to discriminate. It is a violation of the civil rights clause.

While I know my colleague thinks this is a new debate, it is not a new debate. It is a debate that has been had in America among States, and courts have used Federal statutes to protect the rights of women. Now I see we are going to have this debate today. I ask my colleagues, how many more times this year are we going to interrupt the business of the Congress on things such as transportation, on infrastructure, to have a debate that has already been settled?

I know my colleague thinks the amendment is very narrowly written; it is not.

It is not. I don't think that is the interpretation of any legal mind, that it is narrowly written. It will affect and give employers the right—the courts have already said they don't have the right to discriminate. It will reopen the cases of those large employers that have already been found against and say to them: Yes, you can come up with a reason and curtail access to preventive health care for women that is so needed at this time.

I ask my colleagues to turn down this amendment, and let's get at the

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 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 to require religious universities, 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 Catholic Church and other faith-based organizations with an impossible choice between violating their religious beliefs or violating Federal regulations.

In February President Obama announced what he termed an ''accommodation'' that would require insurance companies, rather than religious organizations, to provide these services. But as I read the details of that ''accommodation,'' it became very clear to me that many parts of the plan remained unclear. A key issue, for example, revolves around self-insured religious-based organizations. There are many Catholic hospitals and universities that are self-insured and thus act as both the employer and the insurer, and a very important issue is how the rule would treat these self-insured faith-based organizations. But the rule was totally unclear. It simply said that the ''Departments intend to develop policies to achieve the same goals for self-insured group health plans sponsored by non-exempted, non-profit religious organizations with religious objections to contraceptive coverage.''

In an attempt to clarify this critical issue, I sent a letter to Secretary Sebelius asking for specific clarification on how faith-based organizations that are self-insured and thus act as both the insurer and the employer would have their rights of conscience protected. This was not a complicated question. It was a very straightforward question, and frankly, the answer to the question was going to determine my vote on this very important amendment.

Sadly, the administration once again skirted the answer. In her response, Secretary Sebelius simply said the President ''is committed to rulemaking to ensure access to these important preventive services in fully insured and self-insured group health plans while further accommodating religious organizations' beliefs.''

What does that mean, Mr. President?

I ask unanimous consent that both my letter to Secretary Sebelius and her reply be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Ms. COLLINS. Mr. President, this was very frustrating to me. I asked a key question, and I could not get a straight answer. It also demonstrates many of the problems associated with employer mandates.

I believe the sponsor of this amendment is completely sincere. I want to make that clear. But this issue has become yet another sad example of election-year politics. I believe a good compromise could have been reached and should have been worked out. For example, in Maine, State law requiring contraception coverage includes a specific exemption for religious employers, such as churches, schools, and hospitals. Surely we could have reached a similar accommodation. Unfortunately, what we are left with is another example of the political pandering that has so tested Americans' 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 the Senate will now be able to move forward to address the many important and pressing issues facing our Nation such as job creation, energy and rebuilding our nation's infrastructure.

EXHIBIT 1

U.S. SENATE,
*Washington, DC, February 24, 2012.*

Hon. KATHLEEN SEBELIUS,
*Secretary, Department of Health and Human Services, Washington, DC.*

DEAR SECRETARY SEBELIUS: Like many Americans, I was very concerned when, on January 20, 2012, the Department of Health and Human Services issued a final regulation to require religious universities, hospitals, charities and other faith-based organizations to pay for health insurance that covers contraceptives and sterilizations regardless of the organization's religious objections. I believe that such a broad mandate poses a threat to our religious freedom and presents the Catholic church and other faith-based organizations with an impossible choice between violating their religious beliefs or violating federal regulations.

I was somewhat reassured when, on February 10, the President announced an ''accommodation'' that would require insurance companies rather than religious organizations to provide these services. According to the White House statement, ''religious organizations will not have to provide contraceptive coverage or refer their employees to organizations that provide contraception,'' and ''religious organizations will not be required to subsidize the cost of contraception.''

While the President has announced some changes in how the new preventive coverage mandate will be administered, many of the details remain unclear. A very important issue is how the rule would treat self-insured faith-based institutions. For example, there are many Catholic hospitals that are self-insured, and therefore act as both the employer and the insurer. The final rule simply states that the ''Departments intend to develop policies to achieve the same goals for self-insured group health plans sponsored by non-exempted, non-profit religious organizations with religious objections to contraceptive coverage.''

I would therefore like further specific clarification of how self-insured faith-based organizations will be treated under the rule to ensure that their rights of conscience are protected.

Thank you for your prompt assistance on this important issue.

Sincerely,

SUSAN M. COLLINS,
*United States Senator.*

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THE SECRETARY OF HEALTH AND HUMAN SERVICES,
*Washington, DC, February 29, 2012.*

Hon. SUSAN COLLINS,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR COLLINS: Thank you for your letter regarding the August 2011 Guidelines on Women's Preventive Services. On February 15, 2012, related final rules were published exempting group health plans sponsored by certain religious employers (and any associated group health insurance coverage) from any requirement to cover contraceptive services under section 2713 of the Public Health Service Act and corresponding provisions in the Employee Retirement Income Security Act and the Internal Revenue Code, and related guidance.

As you know, in August 2011, the Health Resources and Services Administration (HRSA) published Guidelines that operate to require non-grandfathered health plans to cover certain preventive services for women, including Food and Drug Administration-approved contraceptive services, without charging a co-pay, co-insurance, or a deductible. HRSA based the Guidelines on recommendations from the Institute of Medicine, which relied on independent physicians, nurses, scientists, and other experts, as well as evidence-based research, to formulate its recommendations. Evidence shows the use of contraceptives has significant health benefits for women and their families, significantly reducing health costs for women and society.

With the Departments of Labor and the Treasury, the Department of Health and Human Services also published in August

2011 an amendment to the July 2010 Preventive Services Interim Final Rules authorizing an exemption for certain religious employers' health plans from any requirement to cover contraceptive services. Twenty-eight states already require health insurance coverage to cover contraception, and the exemption in the amendment to the Interim Final Rules was modeled on one adopted by some of these states. After considering the many comments received in response to the amendment to the Interim Final Rules, the Departments published final rules on February 15, 2012, retaining the exemption.

At the same time, we released guidance providing a one-year enforcement safe harbor for group health plans sponsored by certain nonprofit employers that, for religious reasons, do not provide contraceptive coverage and do not qualify for the exemption (and any associated group health insurance coverage). Such nonprofit employers could include religious universities, hospitals, and charities.

In his recent announcement related to these issues, the President committed to rulemaking to ensure access to these important preventive services in fully insured and self-insured group health plans while further accommodating religious organizations' beliefs. We are engaging in a collaborative process with affected stakeholders including religiously affiliated employers, insurers, plan administrators, faith-based organizations, and women's organizations as we develop policies in this area. Our preliminary discussions with a number of religiously affiliated employers and faith based organizations have been very productive. And, of course, the future rulemaking process will afford a full opportunity for public input.

The Administration remains fully committed to its partnerships with faith-based organizations to promote healthy communities and serve the common good.

Again, thank you for your letter. I appreciate your input on this matter.

Sincerely,

KATHLEEN SEBELIUS.

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 in the fight to protect this very basic right.

Let me add my strong belief that if the Senate had 83 women and 17 men rather than 83 men and 17 women, a bill such as this would never even make it to the floor.

Two years ago Congress passed a health care reform bill that will expand health care access for over 30 million Americans who are uninsured as well as millions of Americans who are covered through their employers. This bill is by no means perfect—I would go further—but it is a step forward in allowing us to catch up with the rest of the industrialized world that guarantees health care to all of their people as a right.

Unfortunately, the amendment we are discussing today—Senator BLUNT's amendment—would undermine much of the progress being made for women's health care through a new version of a so-called conscience exemption. Not just content to attack women's rights, Mr. BLUNT's amendment would go even further and seeks to deny patients access to any essential health care service their employer or insurance company objects to based simply on the employer's ''religious beliefs'' and ''moral convictions.''

This amendment would especially have an adverse impact on women's health. Starting in August, women enrolled in new plans will have access to a range of preventive services at no cost. But allowing the kind of extreme, so-called conscience clause included in the Blunt amendment would allow an employer to refuse coverage of contraceptives, annual well-woman visits, or even treatments for both genders, such as mental health services or HIV/AIDS treatment, based not on a doctor's recommendation but on the religious belief or moral conviction of a person's employer. This is an absolutely unprecedented refusal right. The Blunt amendment must be defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent to speak for up to 8 minutes on the amendment.

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

Mr. KERRY. Mr. President, this is obviously a difficult time in our politics—the polarization. It is a difficult time in the Senate, in particular, because over the years this has been a place where we have prided ourselves on really working to find ways to avoid the kind of polarization we see today and actually to find the common denominator on a number of sensitive issues.

I think our friend from Maine, Senator SNOWE, spoke for many of us this week when she talked about the ''my 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 her diagnosis 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 error before the reform we passed was where Viagra was covered for men, at no cost, by insurance companies but contraception, which 99 percent of American women use, was not covered. So we addressed this issue in the reform we passed, Congress sent it to the President, and the President signed it.

The administration then took the time appropriate. Recognizing the difficulty of implementing some of this, they allowed for a time period in order to be able to work through the rules. When they did come out with the first rule, I regret that they came out with a rule that many of us felt—I felt and shared with others in America—a sense that it was not going to work. There was a firestorm in the country over that for a brief period of time. I spoke out in our caucus, and I said I thought there was a better way to try to deal with that that created a balance between the first amendment requirements and the needs of people to be able to have access and be protected. I didn't think it was and I don't think today it is right to force a religiously affiliated institution to pay for contraception if it violates fundamental religious beliefs.

I am glad to say that the administration—the White House, which 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 subject on the budget, whether 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 question 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 in order to protect the self-insured here. I think it is important 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, critical in legislating, and 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—and a company 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 language in this 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 says no religious view will be 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 them 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 said it would not have any effect on these laws, meaning these were the law of the land before the health care reform law and continue to be the law now. So, the Blunt Amendment doesn't ''restore'' these rights because they never went away. What could the Blunt Amendment be about, then? Before the health care reform law, refusals happened all the time, and that was a big part of the problem that the health care reform law was meant to address. People were refused coverage for things like having had a C-section or being a cancer survivor. Insurance plans refused to provide coverage for 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 refusing coverage for things they didn't find profitable. And by granting a huge loophole with its permission to refuse coverage based on ''moral considerations'' the Blunt Amendment would take us right back there, while hiding under the guise of ''conscience rights.''

I have met with and had conversations with conscientious people in my Church, because it is important to listen to help find answers to these difficult questions. It has left me convinced that we don't have to support a back-door dismantling of health care rights to protect religious liberty. The administration's dialogue with the faith community to reach a final accord that protects patients, including women, and also protects religious liberty is a far better outcome than to have the Senate rush to undercut that effort and pass something that is overly broad, risking dangerous unintended consequences.

Mr. President, this amendment would be a mistake—for women, for health care, for millions of Americans who don't want to go back to the days when they could be denied care for any reason. We don't need to drive another wedge in our politics. We need to drive towards that common denominator, that common ground—and that is why this amendment must be defeated.

I would simply close by saying the Senate should not rush to undercut the protections already in place and which, ultimately, would undermine the teachings of my church, which argues that social conscience and values ought to be primarily established by caring for our sick, and this would in fact deny that, to some degree.

Mr. LIEBERMAN. Mr. President, I rise today to address Senator BLUNT's amendment to the surface transportation bill, which deals with the Obama Administration's recent proposal to require group and individual health insurance plans, with the exception of those issued to churches or other houses of worship, to cover contraceptive care for all women.

I believe the administration's proposal is inadequate, but I will not support the Blunt Amendment because I believe it is too broad. I want to discuss how this amendment came before the Senate and then I will lay out the reasons why I will vote against it and offer a different way forward.

The question before us deals with one of the most controversial matters raised by the Affordable Care Act—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. This is a difficult issue because religious freedom, as enshrined in the Bill of Rights, is literally the first of our freedoms. And the issue of access to quality health insurance for every American is at the cornerstone of the Affordable Care Act.

I would like to quickly review how the administration has addressed this question in its regulations implementing the Affordable Care Act. The ACA, as adopted by Congress, directs all health insurance plans to cover a number of preventative care services, without cost sharing or copays, to include some immunizations, preventive care and screenings for children and adolescents, and with respect to women, additional preventive care and screenings that the Secretary of Health and Human Services has determined should include contraception and contraception screening.

In explaining its decision to include contraceptive services within that mandate, the administration has referenced the Institute of Medicine's conclusion that there are significant health benefits derived from providing women with access to contraceptive care. I agree with the Institute of Medicine and the overwhelming majority of Americans who believe that having access to contraceptive care is important for women and is a right protected by U.S. Supreme Court precedent. But then we have to ask, must the cost of contraceptive coverage be covered by the health insurance plans of every employer?

In answering this question, we are required to address the concerns of those who oppose the use of contraceptives based on their religious or moral convictions. The administration provided, correctly in my view, a total exemption from this mandate for houses of worship that oppose the use of contraception on moral and religious grounds. But the administration did not extend this total exemption to such church-affiliated, non-profit organizations as hospitals, charities, and schools.

In response to the public outcry to the original regulation, the President amended his proposal in order to allow church-affiliated, non-profits, such as hospitals, schools, and charities, to exclude contraceptive coverage in the health insurance plans they provide to their employees, but only if their insurer directly contacts each employee covered under their health insurance plan 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 proposed compromise falls 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

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 from churches, synagogues and their employees. Many States, ever 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 states 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 such 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 offers. There is a better way forward on this important decision 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 under 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 include no-cost preventative coverage of 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 chairman. Not 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 health care services. Our focus should be 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 birth control, the amendment 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, any plan or insurer could deny 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 services. This amendment turns that belief around and would take decisions out of the hands of patients and doctors and place them with businesses and insurance plans. This serves only to put businesses and insurance companies in the driver's seat, allowing them to capriciously deny women coverage of health care services. The amendment is a direct attack on women's health that would have public health consequences for all Americans.

Today marks the first day of Women's History Month. Instead of considering legislation that might promote women's equality such as the Paycheck Fairness Act or the Fair Pay Act, we are being forced to vote on the amendment that undermines the ability of women to access basic health care. I will vote today in favor of the health of women and against the proposed amendment. I urge my fellow Senators to do the same.

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

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I ask unanimous consent that I be allowed to speak for 5 minutes, and that Senator MURRAY conclude our side with 5 minutes.

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

Mrs. BOXER. Mr. President, I have news for the supporters of the Blunt amendment: We were not born yesterday. And no matter how many times they say this is nothing more than a restatement of old laws, the facts are not with them. We have never had a conscience clause for insurance companies. And if you wanted to give them a chance to say no, a lot of them don't have any conscience, so they would take it. And this is what Blunt does. It

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. So 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 it is fine as long as you hide behind—my words—a moral objection.

This started out with birth control. There was a hearing over in the House, and this iconic picture will last through my lifetime and yours. Here is a photograph of a panel discussing women's health care over in the Republican House. A discussion on women's health care. Do you see one woman there? I don't. They are all men. And these men are waxing eloquent about birth control and the fact that, oh, it is just a moral issue with them and they do not think women should have the right to have it. Not one of them suggested men shouldn't have their Viagra, but we will put that aside. We will put that aside.

Not one woman was called. And when a woman raised her hand in the audience and said, I have a very important story to tell about a friend of mine who lost her ovary because she couldn't afford birth control, which would have controlled the size of the cyst on the ovary, you know what Mr. ISSA said over there? He said, you are not qualified. You are not qualified to talk about women's issues. I guess only men are qualified to talk about women's issues. We have men on the other side of the aisle here, for the most part—with a little assist—telling women what their rights should be.

I cannot believe this battle is on a highway bill, on a transportation bill, where 2.8 million jobs are at stake. We have been diverted with this amendment about women's health. Look at the different important benefits that any insurer or any employer could walk away from. Because if this amendment passes, they would have the right to do so. They would no longer have to cover emergency services, hospitalization, maternity care, mental health treatment, pediatric services, rehabilitative services, ambulatory patient services, laboratory services. They would no longer have to offer breast cancer screenings, cervical cancer screenings. All they have to do is say, oh, I am sorry, we believe prayer is the answer. We don't believe in chemotherapy. If someone is heavy and they are obese and they get diabetes, we have a moral objection to helping them because, you know what, they didn't lead a clean life. So they could deny any of these things—flu vaccines, osteoporosis screening, TB testing for children, autism screening.

In conclusion, I urge my colleagues to vote down this dangerous amendment. Vote it down. We will have a motion to table, and I urge my colleagues to stand for the women and the families of this Nation and let's get back to the highway bill. Get rid of this thing.

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

Mrs. BOXER. I yield the floor.

The PRESIDING OFFICER. The senior Senator from Washington State.

Mrs. MURRAY. Mr. President, I thank the Chair, and I want to thank the Senator from California and the many Senators who have stood proudly to fight for a woman's right to make her own health care decisions. Certainly in this year of 2012, after decades of fighting to make sure women have the rights and opportunities to be whoever they want and to make their own health care choices, this vote today is an affirmation of that, if we can beat back this Blunt amendment.

We are at a very serious time in our Nation's history. Our economy is struggling, and though we are getting back on track, millions of families get up every day and are concerned about whether they can afford their mortgage or send their kids to college. I have to say, I am sure millions of women in this country did not think they would have to get up this morning and worry about whether contraception would be available to them depending on who their employer was.

This is a serious issue. We have heard a lot of rhetoric about what the Blunt amendment is. My colleague from California just described it for us. It is terrible policy. It will allow any employer in America to cut off any preventive care for any religious or moral reason. It would simply give every boss in America the right to make health care decisions for their workers and their families. It is a radical assault on the comprehensive preventive health care coverage we have fought so hard to make sure women and men and families across this country have. If this amendment were to pass, employers could cut off coverage for children's immunizations, if they object to that. They could cut off prenatal care for children born to unmarried parents if they object to that.

The 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.

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 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.

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:

[Rollcall Vote No. 24 Leg.]

YEAS—51

| | | |
|---|---|---|
| Akaka | Hagan | Nelson (FL) |
| Baucus | Harkin | Pryor |
| Begich | Inouye | Reed |
| Bennet | Johnson (SD) | Reid |
| Bingaman | Kerry | Rockefeller |
| Blumenthal | Klobuchar | Sanders |
| Boxer | Kohl | Schumer |
| Brown (OH) | Landrieu | Shaheen |
| Cantwell | Lautenberg | Snowe |
| Cardin | Leahy | Stabenow |
| Carper | Levin | Tester |
| Conrad | Lieberman | Udall (CO) |
| Coons | McCaskill | Udall (NM) |
| Durbin | Menendez | Warner |
| Feinstein | Merkley | Webb |
| Franken | Mikulski | Whitehouse |
| Gillibrand | Murray | Wyden |

NAYS—48

| | | |
|---|---|---|
| Alexander | DeMint | McCain |
| Ayotte | Enzi | McConnell |
| Barrasso | Graham | Moran |
| Blunt | Grassley | Murkowski |
| Boozman | Hatch | Nelson (NE) |
| Brown (MA) | Heller | Paul |
| Burr | Hoeven | Portman |
| Casey | Hutchison | Risch |
| Chambliss | Inhofe | Roberts |
| Coats | Isakson | Rubio |
| Coburn | Johanns | Sessions |
| Cochran | Johnson (WI) | Shelby |
| Collins | Kyl | Thune |
| Corker | Lee | Toomey |
| Cornyn | Lugar | Vitter |
| Crapo | Manchin | Wicker |

NOT VOTING—1

Kirk

The motion was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent we now proceed to a period for morning business until 2 o'clock, with Senators permitted to speak for up to 10 minutes each in that period of time.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 2146 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BINGAMAN. I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Texas.

## TEXAS INDEPENDENCE DAY

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 sent from the Alamo. 176 years ago tomorrow, March 2, 1836, is the anniversary date of Texas' independence.

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 the battlefield. 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 proudly from 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 of glory, as it is known, 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 from that time forward, 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 Texas 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