

This week the Senate will begin debate on the Employment Non-Discrimination Act, which would simply afford all Americans the same protections from discrimination based on prejudice. In fact, 4 out of 5 Americans mistakenly believe that these protections already exist. Two-thirds of Americans, including a majority of Republicans, support Federal protections against discrimination based on sexual orientation and gender identity in the workplace. Once again, Republicans in Congress are out of step with Republicans in the rest of the country. House Speaker JOHN BOEHNER this morning said he does not support this legislation, but the Speaker should take his cue from the 56 percent of Republicans nationwide who support ENDA and bring this legislation up for a vote.

Corporations also agree non-discrimination policies are good for business. Most Fortune 500 companies already prohibit this kind of persecution, and more than 100 of the nation's largest businesses, more than 80 national civil rights, labor, religious, civic, and professional organizations, and faith leaders from many denominations have spoken in support of the Employment Non-Discrimination Act.

But there is more, much more, and a more important reason to support this legislation than popular support. It is the right thing to do. Here is what Harvey Milk, the murdered California politician and gay rights activist once said:

It takes no compromise to give people their rights. . . . It takes no money to respect the individual. It takes no political deal to give people freedom. It takes no survey to remove repression.

All Americans, regardless of what they look like, where they live or who they choose to love, deserve to be treated with the same respect and dignity while they earn a living. An employee should not be judged on matters that really are unimportant. We are talking about fairness. Employees should be judged on the quality of their work and on their talents and performance, and not on their sexual orientation or gender identity.

I urge my colleagues to vote tonight supporting the legislation that 81 percent of Americans approve, to begin debate on a bill that would affirm the equal rights and freedoms of every American and to do so simply because it is the right thing to do.

#### HEALTH CARE

Mr. REID. Mr. President, yesterday I read an excellent column in the New York Times by Nicholas Kristof, the complete text of which I ask unanimous consent to have printed in the RECORD.

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

[From the New York Times, Nov. 2, 2013]

THIS IS WHY WE NEED OBAMACARE

(By Nicholas D. Kristof)

The biggest health care crisis in America right now is not the inexcusably messy rollout of Obamacare.

No, far more serious is the kind of catastrophe facing people like Richard Streeter, 47, a truck driver and recreational vehicle repairman in Eugene, Ore. His problem isn't Obamacare, but a tumor in his colon that may kill him because Obamacare didn't come quite soon enough.

Streeter had health insurance for decades, but beginning in 2008 his employer no longer offered it as an option. He says he tried to buy individual health insurance but, as a lifelong smoker in his late 40s, couldn't find anything affordable—so he took a terrible chance and did without.

At the beginning of this year, Streeter began to notice blood in his bowel movements and discomfort in his rectum. Because he didn't have health insurance, he put off going to the doctor and reassured himself it was just irritation from sitting too many hours.

"I thought it was driving a truck and being on your keister all day," he told me. Finally, the pain became excruciating, and he went to a cut-rate clinic where a doctor, without examining him, suggested it might be hemorrhoids.

By September, Streeter couldn't stand the pain any longer. He went to another doctor, who suggested a colonoscopy. The cheapest provider he could find was Dr. J. Scott Gibson, a softhearted gastroenterologist who told him that if he didn't have insurance he would do it for \$300 down and \$300 more whenever he had the money.

Streeter made the 100-mile drive to Dr. Gibson's office in McMinnville, Ore.—and received devastating news. Dr. Gibson had found advanced colon cancer.

"It was heartbreaking to see the pain on his face," Dr. Gibson told me. "It got me very angry with people who insist that Obamacare is a train wreck, when the real train wreck is what people are experiencing every day because they can't afford care."

Dr. Gibson says that Streeter is the second patient he has had this year who put off getting medical attention because of lack of health insurance and now has advanced colon cancer.

So, to those Republicans protesting Obamacare: You're right that there are appalling problems with the website, but they will be fixed. Likewise, you're right that President Obama misled voters when he said that everyone could keep their insurance plan because that's now manifestly not true (although they will be able to get new and better plans, sometimes for less money).

But how about showing empathy also for a far larger and more desperate group: The nearly 50 million Americans without insurance who play health care Russian roulette as a result. FamiliesUSA, a health care advocacy group that supports Obamacare, estimated last year that an American dies every 20 minutes for lack of insurance.

It has been a year since my college roommate, Scott Androes, died of prostate cancer, in part because he didn't have insurance and thus didn't see a doctor promptly. Scott fully acknowledged that he had made a terrible mistake in economizing on insurance, but, in a civilized country, is this a mistake that people should die from?

"Website problems are a nuisance," Dr. Gibson said. "Life and death is when you need care and can't afford to get it."

The Institute of Medicine and the National Research Council this year ranked the United States health care system last or

near last in several categories among 17 countries studied. The Commonwealth Fund put the United States dead last of seven industrialized countries in health care performance. And Bloomberg journalists ranked the United States health care system No. 46 in efficiency worldwide, behind Romania and Iran.

The reason is simple: While some Americans get superb care, tens of millions without insurance get marginal care. That's one reason life expectancy is relatively low in America, and child mortality is twice as high as in some European countries. Now that's a scandal.

Yet about half the states are refusing to expand Medicaid to cover more uninsured people—because they don't trust Obamacare and want it to fail. The result will be more catastrophes like Streeter's.

"I am tired of being the messenger of death," said Dr. Gibson. "Sometimes it's unavoidable. But when people come in who might have been saved if they could have afforded care early on, then to have to tell them that they have a potentially fatal illness—I'm very tired of that."

Streeter met with a radiologist on Thursday and is bracing for an arduous and impoverishing battle with the cancer. There's just one bright spot: He signed up for health care insurance under Obamacare, to take effect on Jan. 1.

For him, the tragedy isn't that the Obamacare rollout has been full of glitches, but that it may have come too late to save his life.

Mr. REID. The editorial tells the story of a number of people, but one is about Richard Streeter, a truck driver who is very ill with colon cancer. Why? Because he couldn't afford insurance; he couldn't afford health insurance. Kristof writes:

The biggest health care crisis in America right now is not the inexcusably messy rollout of Obamacare. No, far more serious is the kind of catastrophe facing people like Richard Streeter.

Mr. Streeter is a resident of Eugene, OR. His problem is not ObamaCare but a tumor in his colon that is going to kill him unless there is a miracle. He could have been treated had he had health insurance. For him, ObamaCare did not come quite soon enough.

Kristof's column is an important reminder that the rollout of ObamaCare is about more than a defective Web site, it is about saving lives, lots of lives. Kristof is reminding Republicans that they should have empathy for "the nearly 50 million Americans without insurance who play health care Russian roulette [every day] as a result."

He urges them, the Republicans, to remember that every 20 minutes an American dies. Why? They lack health insurance.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

## EMPLOYMENT NON-DISCRIMINATION ACT OF 2013—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 815, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 184, S. 815, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, today marks another step forward in the progress of the United States of America in making sure that all of our citizens are treated fairly and equitably under the law, that each citizen of this country will know he or she cannot be discriminated against because of race, religion, sex, or national origin. That was all covered in the Civil Rights Act of 1964.

In 1990 I was proud to stand at this very desk when we took another step forward when we said we were going to extend civil rights to cover people with disabilities. Today I stand here to mark another step forward when we will have a vote on proceeding to the debate to end discrimination in employment because of a person's sexual orientation. It is a huge step forward, one too long in coming.

I was here in 1996 when we voted on the Employment Non-Discrimination Act, the bill that is now before the Senate. We lost by one vote—50 to 49. That was a dark day. We have been trying to get it before the Senate ever since, and we have finally done so. I am proud to say that we got it through the HELP Committee this summer on a strong bipartisan vote, and we now have it before the Senate.

People should understand this is a momentous day in the development of our country, ensuring that every person is recognized for their individual worth and for what they contribute to society, not for the color of their skin or race or religion or national origin or whether they have a disability. Today we also say: We will make sure you cannot be discriminated against because of your sexual identity or whom you love.

It has been 17 years since Ted Kennedy, who chaired the committee at the time, brought this bill to the floor in 1996, and it was, again, one vote shy of passage. In the meantime, over those 17 years, the attitudes in this country have changed dramatically about the rights of gay, lesbian, transsexual, and transgender Americans. In a nutshell, I think the vast majority of Americans believe that individuals ought to have

the right to earn a living free from discrimination and that they should be judged on their performance in the workplace based on their talent, their ability, and their qualifications.

Interestingly enough, since 1996, 17 States—including my State of Iowa—have passed legislation that includes basic employment protections for all LGBT Americans. I will use that acronym or those letters to explain lesbian, gay, bisexual, and transgender Americans.

Eighty-eight percent of Fortune 500 businesses have included protections in their nondiscrimination policies, as have the majority of small businesses. Over 100 major businesses, including pharmaceutical and technology companies, banks, manufacturing companies, and chemical companies have announced their support for this bill. In fact, there are polls that show 8 out of 10 Americans already believe that discrimination against people because of their sexual orientation is already illegal; for example, that it is illegal to fire someone for being gay or for being a lesbian.

Why are we here today? Twenty-three years ago I stood at this desk as the manager of the Americans with Disabilities Act. That bill was to extend nondiscrimination clauses to people with disabilities. At that time a lot of people said: What is the problem?

Here is the problem in a nutshell. Let's say you are an African American—or a woman or Jewish or Catholic or anything else—and you applied for a job for which you were fully qualified and the prospective employer said: No, I am not hiring African Americans. I don't want any Black people working here. No, you are Jewish; get out of here. Do you know what you could do? You could turn right around, walk out the door, go down to the courthouse, and the courthouse door would be open for you. You can go into that courthouse and take that case to court.

When I stood here 23 years ago, I said: Until the President signs that bill into law, a person with a disability—for example, someone bound to a wheelchair—could be turned down in spite of being qualified for the job. The prospective employer could say: Get out of here; I don't hire cripples. If you then went down to the courthouse, the door was locked. You had no recourse under law for the violation of your civil rights. That is true today for gays, lesbians, bisexual, and transgender Americans. They could be fired just because of that. If they go down to the courthouse door, it is locked. They have no recourse under law.

As I said, 17 States have State laws, some municipalities have municipal laws, but the vast majority of Americans live in States in which there is no civil rights law governing LGBT people. The majority of Americans—more than 56 percent—live in States in which it is perfectly legal to fire or

refuse to hire someone because of who they are—lesbian, gay, bisexual, or transgender. They have no recourse under law. As I said, most people in America think they are covered. They think you can't discriminate against someone because of that. The fact is that it is still perfectly legal to do so in most States in the United States.

As I said, I think we have changed quite a bit in the 17 years since we last considered this bill. That last vote was 49 to 50. We lost by one vote, and there were no amendments. At that time a majority of Senators would have been enough to pass it. All we needed was one more vote. I remember Vice President Al Gore was sitting in the chair, but we were one vote short.

Today, however, as times have changed, we know we need 60 votes to pass bills. Just think about that—17 years ago 51 votes would have passed this bill; now we have to have 60 votes. I won't get into the necessity of having to change the rules of the Senate. We need 60 votes before we can even bring up the bill. It is a tribute to the leadership of the bill's sponsors, Senator JEFF MERKLEY and Senator MARK KIRK, that we have now reached 60 votes. As of last week we only had about 57 or 58 votes, and then 2 more people decided to support the bill. Now that Senator HELLER of Nevada has announced his support for the bill, we have 60 votes. We have 60 votes, and I predict we will get more than 60 votes. Once we reach the critical mass, I think my colleagues will understand that this is another step in the direction of opening America and making our society more inclusive rather than exclusive.

Senator KIRK, who is managing the bill for the minority, had been a supporter of this legislation before he was elected to the House. Senator MERKLEY, who is the sponsor of the bill, was the leader of this effort when he was in the Oregon State Legislature. One Republican and one Democrat were champions of this bill before they came to Congress. They both played a critical role in ensuring the bill was brought before our committee. Even though Senator MERKLEY left our committee to join the Appropriations Committee, he always kept on top of this. With their help, we voted it out of our HELP Committee in July with a strong bipartisan vote of 15 to 7. I thank the present occupant of the Chair, the distinguished Senator from Connecticut, for all of his help and support for getting this bill through. We had the support of three Members of the minority as well. The vote was 15 to 7. It was a great vote.

Despite the passage of laws at the State and local levels, discrimination in the workplace continues to be all too real. Forty-two percent of lesbian, gay, and bisexual workers report having experienced some form of discrimination at work. Even with the progress that has been made at the State and local levels, as I mentioned, too many