

nondiscrimination ordinance, and the department had a written policy against sexual harassment, although it did not expressly protect against discrimination based on sexual orientation.

So Officer Nave has filed two separate legal complaints against his former employer. Those complaints are still pending.

If there was one Federal law protecting all Americans from discrimination instead of a patchwork of ineffective and inefficient State and local laws, it would be simpler and less confusing for businesses and employees alike. That is one reason more than 100 of the Nation's largest companies support the Employment Non-Discrimination Act and why most Fortune 500 companies already prohibit persecution based on sexual orientation or gender identity. These companies know that to recruit the best and brightest employees and remain competitive, they must foster an environment where all workers can reach their full potential.

Not only is Speaker BOEHNER's claim that ENDA would hurt business untrue, it is also callous. It fails to take into account the heartbreaking suffering—not to mention lost wages and productivity—that workplace discrimination causes every year.

When Kile Nave was hired by the Audubon Police Department, he already served 20 years—two decades—as a police officer with other departments. This is what Kile said yesterday:

I've been a law enforcement officer since 1989 and I had never experienced anything like what I experienced with my previous employer. . . . But I wasn't going to let them push me out of a job I loved.

So for 3½ years Kile endured torture at the hands of two of his supervisors, including the chief and the deputy chief. Although coworkers described Officer Nave's on-the-job performance as exemplary, his supervisors called him derogatory names, told gay jokes in front of him and about him, and directed profanity-laced rants toward him. This is the chief and the assistant chief.

This is what Officer Nave remembers about trying to get through the ordeal:

Each day I kept thinking, 'It's going to get better today.' But it didn't. As a police officer you're supposed to have thick skin. But it never got any better.

Then, last year, 2 weeks after Officer Nave filed a formal complaint with his chief, he was fired based on charges of insubordination—somebody who had basically been a police officer for one-quarter of a century.

For the first time since he was 16 years old, Kile Nave was unemployed, as he is right now. He is still unemployed. Although Kile would love to return to police work and to doing the job he loves—and he did it for a long time—no department will hire him with a termination on his resume.

With one simple Federal law in place, which is the ENDA bill, people such as Kile could go to work without fearing

such torment—and it was torment. Every American deserves that right and that protection. Every employee deserves to be judged on the quality of his or her work instead of on their sexual orientation or gender identity.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

#### RIGHT-TO-WORK

Mr. MCCONNELL. Mr. President, almost 1 year ago now, Michigan's Governor Rick Snyder signed historic right-to-work legislation into law. At the time he said he viewed it "as an opportunity to stand up for Michigan's workers, to be pro-worker."

The union bosses, the entrenched special interests, and the professional left may have stood in united, militant disagreement, but Michigan's soft-spoken Governor was right. The more venom Big Labor directed at him, the more it seemed to confirm the suspicions of many of the middle-class workers Snyder was trying to help. He was, in fact, on their side.

The truth is, over the years, Big Labor has come to care more about its own perks and power than the workers it was charged with protecting. Snyder knew that and he knew it was time to tip the scales back in favor of workers. He is not alone.

In the Senate, Senator PAUL and I share Governor Snyder's commitment to helping restore worker rights. That is why yesterday we filed an amendment that would enact similar forward-looking reforms at the Federal level.

Our right-to-work amendment is simple enough. It merely calls for repealing the discriminatory clauses in Federal law that allow, as a condition of employment, forcing workers to join a union or forcing workers to pay union dues. In practical terms, here is what that would mean for middle-class folks in Kentucky and across America: If you want to join a union, you can. If you don't want to join a union, you don't have to. That is it. That is all this is about.

This is just common sense. It is basic fairness. According to one survey, about 80 percent of unionized workers agree that employees should be able to decide whether joining a union is for them. But this amendment isn't just about ending institutional discrimination against workers; it is also about job creation, economic growth, and making America more competitive in the 21st century.

Consider the fact that manufacturing employment is one-third higher in States with right-to-work laws or that, according to a recent study, States with right-to-work saw improvements in real personal income and average annual employment compared to what they would have seen without such laws or that many of our Nation's labor

laws were passed in an earlier era, in some cases before many folks even had television sets.

America's labor regulations are antiquated and they need to be updated for the modern world. That is what the flextime legislation I introduced last week sought to achieve, and that is what right-to-work seeks to achieve as well.

Protecting the rights of workers, creating jobs, growing the economy, and keeping pace with the modern world is what right-to-work is all about. It is just common sense. If States such as Michigan, with proud traditions of organized labor, can look their problems in the face and act, then it is time for the Federal Government to act too.

I urge my colleagues to join Senator PAUL and me in supporting this important amendment.

#### OBAMACARE

Mr. MCCONNELL. Mr. President, I wish to say a word about ObamaCare as well.

I wish to remind my colleagues that the President is absolutely correct. He is correct when he says ObamaCare is about so much more than some flawed Web site. It is about people. People such as the California woman with stage 4 gallbladder cancer whose story we read about in the Wall Street Journal just this past weekend. I will read some of what she wrote:

I am a determined fighter and extremely lucky. But this luck may have just run out: My affordable, lifesaving medical insurance policy has been canceled effective December 31.

Here are the impossible choices she says she is left with. She can either get coverage through the exchange and lose access to her cancer doctors or she can pay up to 50 percent more for, as she put it, "the privilege of starting over with an unfamiliar insurance company and impaired benefits."

That is just not right. It is not what the President promised, and it is not the kind of health care reform Americans asked for.

So we should keep our focus where it belongs—on the real people getting hurt by this law.

But that doesn't mean we should stop asking questions about healthcare.gov too. Because if the government can't even run a Web site that it had 3 years—3 years—and hundreds of millions of dollars to create, can Americans entrust the same bureaucracy with even more power over their health care?

The calamitous rollout reminds us that we do not even know if data being submitted over this Web site is 100 percent secure. In today's age of digital scammers, that is a real concern for our constituents. Identity theft is about the last problem Americans need to be dealing with right now, especially with everything else this economy and this law have been throwing right at them. They are already mad enough

about the President's repeated, unequivocal claims of, "If you like it, you can keep it."

The White House keeps trying to message its way out of this whopper, but no matter what they say, the reality remains: People are getting hurt. People are getting hit with premiums they can't afford and millions are losing the coverage they like. In my home State of Kentucky alone, 130,000 individual policies and 150,000 small group policies will be canceled. Remember, the President assured Americans up and down this wasn't going to happen.

I read about one DC woman who just lost her plan. She found something comparable on the exchange, but it cost a lot more than what she had before. Here is what she said: "[It's] just not fair. [It's] ridiculous."

She is not alone.

So I will say again it is time for Washington Democrats to work with Republicans to start working for their constituents instead of thinking that their first priority is to protect the President and his namesake legislation.

#### 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 majority whip.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

#### UNIONS IN AMERICA

Mr. DURBIN. Mr. President, I will speak as in morning business before addressing the matter that is pending before the Senate. I will speak in morning business on two issues, to respond to the Republican leader who just left the floor, as he spoke on two issues; first is the issue of unions in America. History shows us that after World War II, when labor organizations across the United States were at their peak organizing workers, giving them an opportunity to bargain collectively in the workplace for wages, benefits, safety, retirement, and health care, that was one of the most amazing periods in America history. The growth of the American middle class was unprecedented as men and women—some fresh

from serving in the war—came home and had a chance to earn a livelihood, to build a family, to build neighborhoods, communities, and literally build the middle class in America. It is no coincidence that when the workers were given this voice and this strength through the collective bargaining process, they prospered and America prospered.

Today, we are in a much more difficult and challenging situation, when so many workers are living paycheck to paycheck while their productivity gains, when it comes to our economy, are well documented. While the companies they work for are showing unprecedented levels of profit, when the individuals who are managing these companies are being compensated at the highest levels in our history, many of these men and women working every day are falling further and further behind. If we look to the state of unionism, I think the facts speak for themselves. Those in the private sector who are in organized labor—part of a labor union—are in very low percentage.

I think there is a parallel that can be drawn. At a time when workers had a voice in the process, when their rights and their futures were within their control at a bargaining table, they prospered and America prospered. Today, without that strength at the bargaining table, many of these same families are falling further and further behind, despite the profitability of the companies they work for. So those who want to eliminate the opportunity for collective bargaining and make it more difficult for workers to stand and speak for themselves in the workplace, frankly, are going to condemn us to a much slower growing economy and much more injustice when it comes to compensation.

#### THE AFFORDABLE CARE ACT

Secondly, the Republican leader spoke to the whole issue of the Affordable Care Act, which is characterized by some as ObamaCare. It is ironic that the Commonwealth of Kentucky is one of the top three States that is the most successful in signing up people for this new approach to health insurance. Some 31,000 people have signed up already through the Affordable Care Act. Governor Beshear was on television just about 10 days ago talking about the opportunities for Kentuckians to finally have an opportunity for affordable health insurance, some of them for the first time in their lives. It is an opportunity which I voted for and I support. I will make no excuses for the dismal rollout of this Web site, and I hope it is fixed soon so people across the country will have ready access to the information they need about their health insurance. But I will not apologize for standing up for 40 or 50 million Americans who have no health insurance today.

Those of us who have gone through life experiences as a father with a sick child and no health insurance will never forget it as long as we live. To sit

in a waiting room of a hospital in Washington, DC, with your baby and wonder who is going to walk through the door and take care of her because you do not have insurance—you just have to hope that the charity care being offered in that hospital will be good care—that is a feeling no one should ever have.

I have lived it. I do not want others to have to live it. We have to give to every American family a chance for health insurance.

Let me say a word about this notion of canceled policies. The market of insurance we are talking about here are people who are buying individual health insurance, not the group plans at most places of employment. It is a small segment but an important segment of our population. If you look at the facts you will find that almost two-thirds of the people who are in the individual health insurance market buying their own plans for their family—through a broker, for example—almost two-thirds of those plans are literally changed and canceled every 2 years. There is a lot of flux and change in this market, and prices continue to go up.

At the end of the day, here is what we are facing: Some 2, 3, or 4 million people may find themselves in a more difficult position because the policy they once had does not meet the standards which have now been established in law for minimum health insurance coverage in America.

What are those standards that we say should be in every health insurance policy?

No. 1, you cannot discriminate against people because of a preexisting condition. Is there a person alive in America today—any family who does not have someone with a preexisting condition? It can be something as basic as asthma, diabetes, high blood pressure, cholesterol issues, mental illness. These things literally disqualified people from coverage in health insurance. We have changed that law and said you cannot discriminate based on preexisting conditions. That is basic.

Second, we have said you cannot put a lifetime limit on how much the insurance policy will pay. Who knows—who knows—whether they are one diagnosis or one accident away from needing health insurance that costs way beyond what we can even imagine. Mr. President, \$100,000, \$200,000 is not an unusual charge for what used to be considered somewhat routine. We say you cannot cap the coverage in a health insurance policy because life is unpredictable and our medical future is unpredictable. That is one of the provisions that has to be built into the policy.

We also say you cannot discriminate against people in selling health insurance because they happen to be women. And there was rank discrimination against women in America when it came to the issuance of health insurance before this new law.

We go on to say that 80 percent of the premiums you collect have to be paid