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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, November 12, 2013, at 2 p.m.

Senate

MONDAY, NOVEMBER 4, 2013

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, help us to so live that the generations to come will know of Your mighty acts. Today, give our lawmakers the singularity of heart to seek, find and follow Your will, so that their legacy will be exemplary. Lord, guide them in the path You have created, inspiring them with the potency of Your powerful presence. May they trust You in times of adversity and prosperity, knowing that they will reap a productive harvest if they persevere. Keep them from underestimating the power of Your great Name. And, Lord, we ask that You would sustain the victims and families of the Los Angeles airport shooting.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, I wish to tell the Senate that following my remarks and those of Senator MCCONNELL, the Senate will resume consideration of the motion to proceed to S. 815, the Employee Non-Discrimination Act. At 5 o'clock today the Senate will proceed to executive session to consider the nominations of Gregory Woods to be United States district judge in New York and Debra Brown to be United States district judge in Mississippi. After debate on those two nominations, at 5:30 there will be up to three rollcall votes. I hope one of them will go by voice, but we will have to wait and see. We will have votes on the confirmation of the Woods and Brown nominations and then the vote on the motion to proceed to ENDA, the Employment Non-Discrimination Act.

EMPLOYMENT DISCRIMINATION

Mr. REID. Mr. President, Springfield, MA, police officer Michael Carney fought for 2½ years to get his job back—and he won. After he took a medical leave of absence, Springfield officials refused to reinstate Officer Carney because the veteran officer had revealed he was gay. But Officer Carney was determined to return to the force. Because he lived in Massachusetts, one of only 17 States to protect employees against discrimination based on sexual orientation or gender identity, Officer Carney is now back on the job, serving and protecting the people of Springfield, MA. I am also pleased to say Nevada law also includes robust protections against this type of discrimination. Officer Carney testified before the House of Representatives in 2007 and shared his story. This is what he said:

> I'm a good cop, but I have lost 2½ years of employment fighting to get that job back because I am gay. I never would have been able to do that had I not lived in Massachusetts or one of the handful of other States that protect . . . employees from discrimination.

Sadly, not everyone is able to fight back like Officer Carney. In 33 States, lesbian, gay, bisexual, and transgender people can be fired and harassed just for being who they are.

West Virginia coal miner Sam Hall was terrorized by his coworkers for 7 years because he was gay. Mr. Hall just wanted to make a living, but supervisors told him he would have to endure the persecution if he wanted to keep his job. West Virginia is one of 33 States with no protections against this type of oppression. That is why I so admire JOE MANCHIN for recognizing that this is an issue which is important to everyone.

A patchwork of State laws that excludes tens of millions of Americans from basic protection against discrimination is simply not good enough. It is time for Congress to pass a Federal law so that all Americans, regardless of where they live, can go to work unafraid to be who they are. As long as hardworking, qualified Americans can be denied job opportunities, fired or harassed because of their sexual orientation or gender identity, all workers are at risk.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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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 nondiscrimination 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

hard-working Americans, whether employed by private companies or public entities, are judged not by their ability and qualifications but by their sexual orientation or gender identity.

Consider the example of Michael Carney, who was denied reinstatement as a police officer three times before successfully using the protections of State law to get his job back. This is a job in which he has now served with distinction for many years.

Consider Sam Hall, a West Virginia miner who suffered destruction of property and verbal harassment from coworkers because of his identity as a gay person. Sam is one of those millions of Americans who currently have no legal recourse without this law.

Discrimination against transgender Americans is even more common, with 78 percent reporting harassment at work. I was fortunate enough to hear from Kylar Broadus, who was a witness at our HELP Committee hearing last year. Kylar faced intense harassment at work as he transitioned from female to male. He has never fully recovered financially from the loss of his well-paid position.

Allyson Robinson also provided written testimony to the committee regarding the painful separation from her family that she endured because of financial hardships while she searched for her first job as an openly transgender female.

Again, too many of our fellow citizens are being judged not by what they can contribute to the workplace but by who they are and whom they choose to love. Unfortunately, we can cite countless cases of bigotry and blatant job discrimination based on sexual orientation or gender identity. Equal opportunity is not just an abstract principle or a matter of statistics. Every day, decent hard-working Americans are being hurt by this form of discrimination.

It has been almost 50 years since we first took steps to eliminate discrimination at work and 23 years since we passed the Americans with Disabilities Act to eliminate discrimination against people with disabilities. We still have a long way to go, but our country is a far better place because of laws against discrimination based on race and sex and national origin and religion and age and, yes, disability. At long last, it is time for us to also prohibit discrimination on the basis of sexual orientation and gender identity. Such discrimination is fundamentally wrong and cannot be tolerated any longer in our country.

Lesbian, gay, bisexual, and transgender Americans deserve the same civil rights protections as all other Americans. This bill will accomplish that. It will say to millions of LGBT Americans that they are full and welcome members of our American family and that they deserve the same civil rights protections as every other American.

The bill is very simple. It is very clear. It states that private businesses, public employers, and labor unions cannot make employment decisions—hiring, firing, promotion or compensation—because of a person's actual or perceived sexual orientation or gender identity. There are exemptions for small businesses and religious organizations, and current rules that are applicable to the Armed Forces are not affected. The bill expressly prohibits disparate impact claims. I wish to repeat that. The bill expressly prohibits disparate impact claims. It is modeled on title VII of the Civil Rights Act. That law has been in place, as I said, since 1964. This bill also incorporates many suggestions from members of both sides, Republicans and Democrats, on our HELP Committee, and I am glad we could work on a bipartisan basis to improve the bill and get it through our committee.

ENDA, as it is known—the Employment Non-Discrimination Act—has unprecedented support from major American businesses, including Dow Chemical, General Electric, Hilton Hotels, GlaxoSmithKline, Chevron, Wells Fargo, Marriott Hotels, Coca-Cola, Cisco, Kaiser, and on and on.

I ask unanimous consent to have printed in the RECORD this list of over 100 companies that support the passage of the bill.

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

BUSINESS COALITION FOR WORKPLACE FAIRNESS

The majority of United States businesses have already started addressing workplace fairness for lesbian, gay, bisexual and transgender employees. But we need a federal standard that treats all employees the same way.

The Business Coalition for Workplace Fairness is a group of leading U.S. employers that support the Employment Non-Discrimination Act, a federal bill that would provide the same basic protections that are already afforded to workers across the country.

Lesbian, gay, bisexual and transgender employees are not protected under federal law from being fired, refused work or otherwise discriminated against. ENDA would do just that.

LEADING EMPLOYERS THAT SUPPORT WORKPLACE FAIRNESS AND THE PASSAGE OF THE FEDERAL EMPLOYMENT NON-DISCRIMINATION ACT

Accenture Ltd., New York, NY; AIG, New York, NY; Alcoa Inc., New York, NY; American Eagle Outfitters Inc., Pittsburgh, PA; American Institute of Architects, Washington, DC; Ameriprise Financial Inc., Minneapolis, MN; Amgen Inc., Thousand Oaks, CA; AMR Corp. (American Airlines), Fort Worth, TX; Apple, Cupertino, CA; Bank of America Corp., Charlotte, NC; The Bank of New York Mellon Corp. (BNY Mellon), New York, NY; Barclays, New York, NY; BASF Corp., Florham Park, NJ; Bausch & Lomb Inc., Rochester, NY; Best Buy Co. Inc., Richfield, MN; Bingham McCutchen LLP, Boston, MA; Biogen Idec Inc., Weston, MA; BMC Software Inc., Houston, TX; BNP Paribas, New York, NY; Boehringer Ingellheim Pharmaceuticals Inc., Ridgefield, CT; BP America Inc., Warrenville, IL; Bristol-Myers Squibb Co., New York, NY; Broadridge Financial Solutions Inc., Lake Success, NY; CA Technologies Inc., Islandia, NY; Caesars Entertainment Corp., Las Vegas, NV; Capital One Financial Corp., McLean, VA; Cardinal Health Inc., Dublin, OH; CareFusion Corp., San Diego, CA.

CC Media Holdings Inc. (Clear Channel), San Antonio, TX; Charles Schwab & Co., San Francisco, CA; Chevron Corp., San Ramon, CA; Choice Hotels International Inc., Silver Spring, MD; Chubb Corp., Warren, NJ; Cisco Systems Inc., San Jose, CA; Citigroup, New York, NY; Clorox Co., Oakland, CA; The Coca-Cola Co., Atlanta, GA; Corning Inc., Corning, NY; Darden Restaurants Inc., Orlando, FL; Delhaize America Inc., Salisbury, NC; Dell Inc., Round Rock, TX; Deloitte LLP, New York, NY; The Depository Trust & Clearing Corp., New York, NY; Deutsche Bank, New York, NY; Diageo North America, Norwalk, CT; Dow Chemical Co., Midland, MI; E.I. du Pont de Nemours and Co. (DuPont), Wilmington, DE; Eastman Kodak Co., Rochester, NY; Electronic Arts Inc., Redwood City, CA; Eli Lilly & Co., Indianapolis, IN; EMC Corp., Hopkinton, MA; Ernst & Young LLP, New York, NY; Expedia Inc., Bellevue, WA; Gap Inc., San Francisco, CA; General Electric Co., Fairfield, CT; General Mills Inc., Minneapolis, MN; General Motors Corp., Detroit, MI; GlaxoSmithKline, Philadelphia, PA; Goldman Sachs Group Inc., New York, NY; Google Inc., Mountain View, CA.

Groupon Inc., Chicago, IL; Hanover Direct Inc., Weehawken, NJ; Herman Miller Inc., Zeeland, MI; The Hershey Co., Hershey, PA; Hewlett-Packard Co., Palo Alto, CA; Hillshire Brands Co., Downers Grove, IL; Hilton Worldwide, McLean, VA; Hospira Inc., Lake Forest, IL; HSBC—North America, Prospect Heights, IL; Hyatt Hotels Corp., Chicago, IL; Integrity Staffing Solutions Inc., Wilmington, DE; Intel Corp., Santa Clara, CA; InterContinental Hotels Group Americas, Atlanta, GA; International Business Machines Corp., Armonk, NY; Jenner & Block LLP, Chicago, IL; JPMorgan Chase & Co., New York, NY; Kaiser Permanente, Oakland, CA; KeyCorp, Cleveland, OH; Kimpton Hotel & Restaurant Group, San Francisco, CA; KPMG LLP, New York, NY; Levi Strauss & Co., San Francisco, CA; Marriott International Inc., Bethesda, MD; Marsh & McLennan Companies Inc., New York, NY; Merck & Co. Inc., Whitehouse Station, NJ; Microsoft Corp., Redmond, WA; MillerCoors Brewing Co., Chicago, IL.

Mitchell Gold + Bob Williams, Taylorsville, NC; Moody's Corp., New York, NY; Morgan Stanley, New York, NY; Motorola Inc., Schaumburg, IL; Nationwide, Columbus, OH; The Nielsen Co., Schaumburg, IL; Nike Inc., Beaverton, OR; Oracle Corp., Redwood City, CA; Orbitz Worldwide Inc., Chicago, IL; Pfizer Inc., New York, NY; PricewaterhouseCoopers LLP, New York, NY; Procter & Gamble Co., Cincinnati, OH; QUALCOMM Inc., San Diego, CA; RBC Wealth Management, Minneapolis, MN; Replacements Ltd., McLeansville, NC; Robins, Kaplan, Miller & Ciresi LLP, Minneapolis, MN; Self-Help Credit Union, Durham, NC; SUPERVALU Inc., Eden Prairie, MN; Target Corp., Minneapolis, MN; Teachers Insurance and Annuity Association—College Retirement Equities Fund, New York, NY; Tech Data Corp., Clearwater, FL; Texas Instruments Inc., Dallas, TX; Thomson Reuters, New York, NY; Time Warner Inc., New York, NY; Travelers Companies Inc., New York, NY; UBS AG, Stamford, CT; US Airways Group Inc., Tempe, AZ; WellPoint Inc., Indianapolis, IN; Wells Fargo & Co., San Francisco, CA; Whirlpool Corp., Benton Harbor, MI; Wynn Resorts Ltd., Las Vegas, NV; Xerox Corp., Stamford, CT; Yahoo! Inc., Sunnyvale, CA.

Mr. HARKIN. Mr. President, in the course of our hearings on this bill, we

heard from executives from Nike and General Mills, among others. Asked why they had chosen to implement strong nondiscrimination policies themselves, the Nike executive testified:

> ENDA is good for business because teams thrive in an open and welcoming work environment, where individuals are bringing their full selves to work.

The bill we are debating specifically protects religious liberty with a substantial exemption that allows specific religious organizations to continue to take sexual orientation and gender identity into account when making employment decisions in their religious organizations. I might point out this bill is supported by 60 faith-based organizations, including congregations and organizations ranging from the Presbyterian Church of America, the Episcopal Church, the Progressive National Baptist Convention, the Union of Reform Judaism, the Union Synagogue of Conservative Judaism, the Islamic Society of North America, and many others.

Among other things, polls show that 67 percent of American Catholics support basic workplace protections for LGBT workers. Almost 70 percent in that poll of evangelical Christians supports LGBT employment protections. So there is overwhelming support for this bill, as I said, amongst people of faith and religious-based organizations.

Again, I acknowledge the leadership of Senator KIRK, as well as the bill's lead sponsor, Senator JEFF MERKLEY of Oregon, who has championed this bill and without whom, I dare say, we would not be starting this debate today. In addition, we are fortunate the lead Democratic sponsor of the bill in the House in previous Congresses is now a Member of the Senate and a member of our HELP Committee, that is Senator TAMMY BALDWIN of Wisconsin. I hope she will soon be able to say she helped pass this bill in both the House and the Senate.

I look forward to the vote later today when we will vote to proceed to this bill. As we all know, under the rules of the Senate, after cloture is invoked, we will have up to 30 hours of debate and then the bill will be on the floor and open. We had several amendments filed in committee that members of the HELP Committee reserved to try to bring to the floor. So I am confident we can work with those if they are offered again. I hope all amendments that are offered will be directed at improving this important civil rights legislation. I hope amendments that are focused on unrelated matters can wait for another time, another day, perhaps when that issue is on the floor. This is just too important—this major step forward in expanding our concept of civil rights laws—too important to be dragged down by spurious amendments that have nothing to do with the bill whatsoever. I hope we do not get bogged down with that.

As I said, it has been a long time coming for this bill, when we think about it. Seventeen years ago we voted on it and lost by one vote. Attempts have been made periodically to get it back to the floor again and it has just never happened, but now we have the opportunity. We reported it out of committee, as I said, with a good bipartisan vote.

ENDA is a critically needed bill. It is commonsense legislation. It has overwhelming support from corporate America, from religious groups, from small and large businesses all across the country. As I said, 8 out of 10 Americans already think it is the law. So let's make sure those 8 in 10 Americans who already think it is the law will now know it is the law, and we can pass it, send it to the House. Hopefully, the House will pass it and the President can sign it into law as soon as possible.

No American should be turned away or have to fear the loss of their job or their means of support or fear of not being hired, even though they are eminently qualified, for any reasons other than their ability to do that job. People shouldn't be fired and shouldn't be discriminated against in hiring because of the color of their skin, their race, their religion, their sex, national origin, disability. That is already in the law; now we put this next piece in place—no one should be denied a job, an opportunity to work because they are gay, lesbian, bisexual or transgender. That is what this bill does.

I encourage all Senators to join with us in passing this important civil rights legislation and continuing our Nation's advance toward freedom and inclusion for everyone in our society. Let's say this is a bright day for America. We are finally bringing it to the floor. As I said, we will have the vote later today. We have 60 people who have said they will vote for it; I hope we have more. Sometime later this week—I don't know if we will use the 30 hours but, hopefully, sometime later this week, we can finally pass it. As I said, I think this week will be one that will be an uplifting week. We have had a lot of problems around this place over the last couple of months. I know from the polls that Members of Congress, in both the House and the Senate, are probably about as popular as a toothache with the general public right now. But this week we can show the American people we can come together and we can lift our eyes above the haze and the smoke on the horizon, and we can make this country a better place for all of us by passing this bill. Let's do this, and let's bring to the American people what they think they have already and what they now want. That is, a society free of discrimination.

I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HEALTH CARE

Mr. BARRASSO. Mr. President, I just returned from spending a weekend in my home State of Wyoming, traveling around the State and visiting with people in Natrona County and Casper as well as in Rock Springs, WY. I attended a marvelous event held every year in Sweetwater County called Cowboys Against Cancer. There were 700 people there to celebrate successes and remember those whom we have lost in these battles. I was there along with Senator ENZI as well as our Governor and others talking about an issue facing the Nation—an issue, of course, that is on everyone's mind—the health care law. This has been a very rough 5 weeks for hard-working Americans who are concerned about their health, and this obviously came up for significant discussion at the Cowboys Against Cancer event Saturday night in Wyoming.

Many people were hoping the Democrats' health care law would actually help decrease costs; that it would actually help increase access to quality health care. But all America knows that hasn't happened. On October 1, the Obama administration launched its health care exchange. This was to be the biggest moment of the President's signature achievement in office. It was one where people were looking forward to the opening of the exchanges, and it flopped. It completely flopped. The Web site crashed and fell right on the heads of the people who were already anxious about their health care. People all across the country saw this collapse, and even the late-night comedians have made a lot of jokes about the incompetence and the mismanagement of the Obama administration.

But I have to say the failure of the exchange is no laughing matter, because this is much more than a failed Web site. Real people are facing real health care problems and are being hurt because of this administration's failed health care law. Because of this law, millions of people are getting letters saying their insurance has been canceled. I talked to some of them this past weekend in Wyoming. There are at least 3½ million people impacted by this across the country, and the number continues to climb every day. The Obama administration says that is no big deal. They say only 3½ million people are losing the insurance plans they have now. But this administration's goal—their goal—was just 7 million people covered in the exchanges. So why does the White House think 3½ million Americans losing their coverage is no big deal when their goal this year was to cover 7 million Americans?

President Obama and Democrats in Congress promised over and over: If

you like your insurance, you can keep it. But that wasn't true. The Washington Post Fact Checker looked into the President's claim. These are the folks who decide if something is truthful or not truthful. They gave the President the full four Pinocchios for completely false claims.

The Fact Checker wrote:

The President's promise apparently came with a very large caveat: ''If you like your health care plan, you'll be able to keep your health care plan—if we deem it to be adequate.''

Well, the President never said that. If the White House had been honest about people losing their health insurance, this law would never have passed. But the law did pass and people across the country are learning how much it is going to actually hurt them personally.

For millions of people who are losing the insurance they have, they are finding the options available under the Democrats' health care law much more limited and much more expensive. The rates are higher, the deductibles are higher, their copays are higher. It is not the kind of reform people wanted or needed, but that is what the Washington Democrats gave them.

The cost increases and the canceled insurance policies are just the beginning. A lot of people are now starting to realize they are no longer going to have access to their family's doctor. It wasn't supposed to happen this way. President Obama said this in 2009:

We will keep this promise: If you like your doctor, you will be able to keep your doctor. Period.

That is what President Obama said. If the White House had been honest about how many families were going to lose access to their doctors, this health care law would never have passed. But the White House did make that promise, Democrats did pass that law, and American families all across the country are suffering as a result.

Coming back from Wyoming this morning I picked up USA Today. The editorial page of this newspaper supported the President's health care law, but their view today is:

Coverage cancellations belie Obama's promise. Obamacare is starting to resemble a patient bleeding from self-inflicted wounds. A month after launch, the online health exchanges where individuals are supposed to shop for insurance remain slow or unusable, except in states that opted to run their own marketplaces and did a more competent job than the administration.

States were more competent than the administration.

Continuing to quote the article:

As if that weren't trouble enough, critics are justifiably mocking President Obama for his repeated, untrue promise that if people liked their health plans, they could keep them.

The editorial on the opinion page of today's USA Today says:

Oops. Hundreds of thousands of people are getting termination notices from plans that don't meet the strict new requirements of the Affordable Care Act. Presumably, not all those people disliked their plans.

Referring to the President, they go on to say:

Now he can't seem to admit he overpromised and oversimplified. He and his aides compound their credibility problem by suggesting that people whose plans are being canceled ''just shop around in the new marketplace''—a laughable impossibility while HealthCare.gov is plagued by bugs.

So that is what I read in this morning's USA Today as I was coming back from Wyoming. Then I picked up the Wall Street Journal and turned to another column, and this is a guest column: ''You Also Can't Keep Your Doctor.''

You also can't keep your doctor. And there is a little subheadline that reads: ''I had great cancer doctors and health insurance. My plan was cancelled. Now I worry how long I'll live.''

I am sorry the Senate Chamber isn't full of all those people who voted for this health care law as this woman worries how long she will live. The Wall Street Journal says it is an absolutely devastating piece by one woman who is suffering because of the health care law. Her name is Edie Littlefield Sundby. She wrote about her experience fighting stage 4 gallbladder cancer. She had a health care plan with affordable access to good doctors who she points out saved her life.

As a doctor, I will tell you stage 4 gallbladder cancer has a very small chance of success and survival. She has beaten the odds because of those taking care of her. But now she has been told that the plan she has is being canceled because of the President's health care law. Here is what she wrote:

What happened to the President's promise, you can keep your health plan? Or the promise that, you can keep your doctor? Thanks to the law, I have been forced to give up a world-class health plan. The exchange would force me to give up a world-class physician.

She has had some of the best physicians in the world—MD Anderson in Texas and California at Stanford, as well as in her home community of San Diego.

Washington Democrats knew their law would harm people such as Edie Littlefield Sundby who writes today in the Wall Street Journal. They knew that people like her all across the country would lose their insurance and lose their doctors. They just didn't want the American people to know it.

It was in the regulations that they wrote and they supported. The issue has to do with a section of the health care law that says that anyone who had an insurance policy on March 23, 2010, and continued to renew it, could keep it even after the ObamaCare exchange is launched. It is called a grandfather clause, and it is to protect people from the law's new rules and mandates—to let people, if they had something they liked, keep what they had.

But less than 3 months after the President signed his health care law, the administration issued a regulation setting very specific criteria these health plans had to meet in order to be grandfathered. The regulation dismantled the section of the law by placing unreasonably tight restrictions on grandfathered policies. Now, any routine change made to a grandfathered insurance plan immediately breaks the Democrats' promise that Americans can keep their health insurance.

A lot of consumers want the freedom and flexibility to increase their plan deductible, or copayments, rather than face a higher monthly premium. It is natural that people want to do it—with their health insurance, car insurance, or homeowners insurance. Looking and making decisions for you and your family is just part of being responsible. The Obama administration's regulations took away that choice.

Republicans saw this train wreck coming, and we tried to stop it. My colleague Senator ENZI from Wyoming in 2010 brought S.J. Res. 39 to this floor. This was a Resolution of Disapproval, which would have immediately overturned the administration's burdensome grandfather regulations.

What Senator ENZI brought to the floor for a vote of the entire body would have, if passed, allowed everyone to keep the insurance they had if they liked it—basically, to uphold the President's promise.

Republicans supported this resolution. Senate Democrats voted against it in lockstep. Absolutely every one of them said no. They kept the regulation on the books and made sure people would not be able to keep the insurance policy they had if they liked it.

Now Democrats don't want to hear about people like Edie with stage 4 gallbladder cancer. Republicans do want to hear about people like her—people who are losing their coverage because of this health care law. We want people to tell us their stories by tweeting with the hashtag ''YourStory.'' We want to make sure that nobody in the Obama administration forgets that these are real people and they have been hurt by this health care law which the President has continued to, on party lines, force down the throats of the American people in its passage, and then continue to deliberately deceive the American people with his quotes, not very long ago, and repeated so many times: If you like your health care plan, you can keep your health care plan.

Republicans support real health care reform. We support ideas such as allowing people to buy insurance across State lines. That would increase access to coverage and to care, not decrease it. That would increase competition and bring down prices—not raise them. But the Democrats' health care law is doing just that. That would be a reform that would help the American people. But the Obama health care law took the exact opposite approach.

Here is how Edie Littlefield Sundby put it in her story. She wrote:

Before the Affordable Care Act, health-insurance policies could not be sold across state lines; now policies sold on the Affordable Care Act exchanges may not be offered across county lines.

That should change. President Obama and Washington Democrats wanted a political win. They were willing to do anything and say anything—to say whatever they needed—to get that win, whether it was true or not. If they had been honest with the American people, they would have never gotten this law passed. But the Democrats' health care law today in America is hurting people, hurting families, hurting Americans. This must end.

The President should come to the table. He should work with Republicans to pass real reform, to help the American people who have been hurt and continue to be hurt by his health care law.

Mr. President, I yield the floor and 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.

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

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

Ms. BALDWIN. Mr. President, I come to the floor this afternoon to talk about a bipartisan effort to advance uniquely American values: freedom, fairness, and opportunity. The Employment Non-Discrimination Act, or ENDA, has at its foundation these core values. It is about freedom, the freedom to realize our founding belief that all Americans are created equal under the law. It is about fairness, about whether lesbian, gay, bisexual, and transgender Americans deserve to be treated just as their family members, their friends, their neighbors, and fellow workers. It is about opportunity, about whether every American gets to dream the same dreams, chase the same ambitions, and have the same shot at success.

One year ago this week the people of Wisconsin elected me to the Senate. The citizens of Wisconsin made history, electing our State's first woman to the U.S. Senate, and electing the first out gay or lesbian person to the U.S. Senate in the history of our great Nation. But I didn't run to make history, I ran to make a difference, a difference that would give everyone a fair shot at achieving their dreams.

I couldn't be more proud of the bipartisan effort to make a difference with the Employment Non-Discrimination Act. I thank and recognize my colleagues Senators MARK KIRK, JEFF MERKLEY, SUSAN COLLINS, and TOM HARKIN for their leadership working across party lines and moving this legislation forward. I take great pride at being a part of this effort. I think it shows great promise of what can be achieved if we work together in a bipartisan way to get work done for the American people.

I also want to take the time to recognize the 55 cosponsors of this bill, both Democrats and Republicans, who made a commitment to ending discrimination against our fellow citizens simply because of who they are and who they love. I realize that for some this is not an easy vote. I understand for some they may believe it is not good politics. But I want to say that I have a deep respect for those who choose to stand on the side of progress for our country this week. For those who stand this week and answer the call for courage, I can say with confidence your courage will be respected and remembered when the history of this struggle is written.

In June I had the opportunity to speak at the Department of Justice during its Pride Month observations. It was fitting that we gathered in a building that bears the name of Robert F. Kennedy. He became Attorney General at a time of rapid progress in the area of civil rights, progress that thrilled many Americans and frightened others. Kennedy knew, however, that America should be on the side of progress. He traveled to Georgia, at the time unfriendly territory for a civil rights reformer, to make his first formal speech at the University of Georgia law school. He did not shy away from the Kennedy administration's commitment to equal opportunity, ''For on this generation of Americans,'' he explained, ''falls the full burden of proving to the world that we really mean it when we say that all men are created free and equal before the law.''

He backed his words with actions, not only by vigorously enforcing the laws and court orders that advanced the cause of civil rights but by holding the Kennedy administration itself accountable, demanding that the Justice Department and other government entities prioritize diversity in the workplace. Of course, as much progress as that generation made in fulfilling the promises America makes about fairness and equality, there was plenty to do for the generations that have followed.

Today we continue that work, guided by the belief that everyone deserves a fair shot at the American dream and that our LGBT family members, friends, and neighbors deserve to be treated as everyone else in the United States. Every American deserves the freedom to work free of discrimination. Passing the Employment Non-Discrimination Act strengthens this freedom by recognizing the right to be judged based on your skills, talents, loyalty, character, integrity, and work ethic.

My home State of Wisconsin was the first State in the Nation to add sexual orientation to its antidiscrimination laws. At the time, back in 1982, only 41 municipalities and 8 counties in the United States offered limited protections against discrimination based on sexual orientation. Wisconsin's efforts to pass the Nation's first sexual orientation antidiscrimination statute were supported by a broad and bipartisan coalition, including members of the clergy, various religious denominations, medical and professional groups. The measure was signed into law by our Republican Governor, Lee Sherman Dreyfus, who based his decision to support the measure on the success of municipal ordinances providing similar protections against discrimination.

Since Wisconsin passed its statute in 1982, 20 States and the District of Columbia, representing nearly 45 percent of our Nation's population, have passed similar antidiscrimination measures. Sixteen States and the District of Columbia also protect their citizens on the basis of gender identity. However, 76 million American workers have to contend with the ugly reality that in over two dozen States it is legal to discriminate against LGBT employees. That is simply wrong and this legislation seeks to right that wrong.

The business community understands this. That is why a majority of Fortune 500 companies have sexual orientation and gender identity nondiscrimination policies in place, and more than 100 companies have endorsed this bill. It is time to level the playing field and extend these protections to all Americans. But we don't just want to live in a country where our rights are respected under the law; we want to live in a country where we are respected for who we are, where we enjoy freedom and opportunity because that is who we are as Americans.

More than 5 years after he spoke at the University of Georgia law school, half a world away at Cape Town University, in South Africa, Robert F. Kennedy said, ''Few will have the greatness to bend history, but each of us can work to change a small portion of the events and then the total—all of these acts—will be written in the history of this generation.''

The change we work for today can add up to incredible progress in our lifetime. This generation can be the one in which we fulfill the promises of freedom and equality for all, in which America finally becomes a place where everyone's rights are respected at work and every family's love and commitment can be recognized and respected and rewarded under the law.

I am hopeful that we can now move this Employment Non-Discrimination Act forward, to build a tomorrow that is more equal, not less, for all Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk the call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

Ms. COLLINS. Madam President, I am pleased to be a longtime supporter and original cosponsor of the Employment Non-Discrimination Act, known more commonly as ENDA. This bill

will affirm the principle that individuals in the workplace should be judged on their skills and abilities and not on extraneous criteria, such as sexual orientation.

In 2002, more than 10 years ago, I was proud to join Senator Ted Kennedy, whom we all remember as a lifelong champion of civil rights, as the cosponsor of ENDA. I am pleased to support this important bill again today, but I am dismayed that so many years have gone by—more than a decade—and this bill still has not become law. It is time for us to enact this important legislation.

I wish to recognize the efforts of the chief sponsors of this bill, Senators MERKLEY and KIRK, who took up this cause and moved this bill forward. I also acknowledge the work of chairman TOM HARKIN in bringing this bill to the Senate floor. He, too, has been a champion of civil rights throughout his long career, and I hope that when he retires at the end of this Congress, this bill will be one more of his accomplishments.

The time to pass it has come. All Americans deserve a fair opportunity to pursue the American dream. Over the years, we have rightly taken a stand against workplace discrimination based on race, sex, national origin, religion, age, and disability. It is past time that we ensure that all employees are judged solely based on their talents, abilities, hard work, and capabilities by closing an important gap in Federal employment law as it relates to sexual orientation. The right to work is fundamental. How can we in good conscience deny that right to any LGBT American who is qualified and willing to work? Especially in today's economy, job security has taken on an even greater importance to all Americans. How can we, in good conscience, tell one segment of Americans that they are not entitled to that security because of whom they love?

Equal rights in the workplace is neither a new nor a revolutionary concept. Much of corporate America has already embraced LGBT protections. Why? Because it allows them to attract the best and the brightest employees and to retain talented employees. Nearly 90 percent of Fortune 500 companies already have sexual orientation nondiscrimination policies in place, and many Maine businesses and businesses associated with the State of Maine have such policies. They include IDEXX Laboratories, L.L. Bean, Maine Medical Center, the Warren Center in Bangor, Hannaford Supermarkets, Bath Ironworks, and Unum, a large insurance company. There are many more. I ask unanimous consent that a list of leading Maine employers that support workplace fairness and the passage of the Employment Non-Discrimination Act be included in the record following my remarks.

In addition, ENDA is very similar to current law in nearly two dozen States, including, I am proud to say, the great State of Maine.

But in spite of how far we have advanced the cause of civil rights in this country, it still remains legal in 29 States to fire or to refuse to hire someone simply because he or she is lesbian, gay, or bisexual. Most businesses don't discriminate. They simply want to hire the best worker for the job, regardless of sexual orientation. But in others, high-performing LGBT employees can be and still are legally discriminated against.

When I discuss this issue with many of my constituents, they are shocked to learn it is legal under Federal law—not Maine law but Federal law—for them to refuse to hire or to fire someone solely because of their sexual orientation. They find that shocking. They just assume our civil rights laws, which protect people from discrimination based on race, gender, religion, and age, also protect individuals based on sexual orientation. Of course, because they are operating in the State of Maine, they cannot legally discriminate against an individual based on sexual orientation. I am proud to say the vast majority of Maine's businesses would never think of discriminating based on sexual orientation. They simply want to hire and retain the best person for the job.

Along with former Senator Joe Lieberman of Connecticut, I worked hard to repeal the military's discriminatory policy of ''Don't Ask, Don't Tell.'' That policy prevented gay and lesbian servicemembers from being open about their sexual orientation. My view was that if they were willing to put on the uniform of our country, be deployed to distant lands, and risk their lives for our freedom, we should be thanking them, not trying to exclude them from serving in the military. Now that ''Don't Ask, Don't Tell'' has been repealed, I think it is significant that the implementation of repeal of ''Don't Ask, Don't Tell'' has gone so smoothly. It has gone very well, contrary to the dire predictions of some of the opponents. We hear some of the same kinds of predictions today as we debate this bill. I would say that, just as the repeal of ''Don't Ask, Don't Tell'' has been implemented quite smoothly, we will see ENDA implemented smoothly as well if we stand, do what is right, and pass this bill.

The bill before the Senate deserves support as a matter of fairness and as a matter of civil rights. It is a commonsense solution consistent with existing Federal civil rights laws, and it will not place an undue burden on American employers. We would not see so many companies voluntarily adopting nondiscrimination policies if it were somehow burdensome to do so. They are doing so because it is in their own best interests, because they want the most qualified employees and to retain the most talented employees, regardless of their sexual orientation. That is not relevant to their ability to do the job.

Finally, it is simply right to pass this bill. We cannot in this day and age countenance legal discrimination against qualified employees and applicants. It is time that we enact this bill.

I urge my colleagues to support ENDA, and I am hopeful we will get more than the 60 votes needed this evening to proceed to this important bill.

Thank you, Madam President. I yield the floor.

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

HUMAN RIGHTS CAMPAIGN—MAINE

HEADQUARTERED COMPANIES AND ORGANIZATIONS WITH GENDER IDENTITY AND SEXUAL ORIENTATION NON-DISCRIMINATION POLICIES

Brewer Medical Center, Capehart Community Health Center, Eastern Maine AIDS Network, Extended Care Services, Helen Hunt Health Center, Hope House, IDEXX Laboratories Inc., L.L. Bean Inc., Maine Medical Center, MaineGeneral Medical Center, Penobscot Community Health Care, Summer Street Health Center, Warren Center.

OTHER COMPANIES AND ORGANIZATIONS WITH GENDER IDENTITY AND SEXUAL ORIENTATION NON-DISCRIMINATION POLICIES

Adecco North America, LLC, American Eagle Outfitters, American Institute of Architects, Bank of America Corp., Best Buy, Charles Schwab & Co., Choice Hotels International, Corning, CVS, Darden Restaurants, Dollar Tree, Gap, General Dynamics (Bath Ironworks), General Electric, Hannaford Supermarket, Home Depot, ING Financial, InterContinental Hotels Group Americas, J C Penney, KeyCorp, Levi Strauss & Co., Lowe's.

Marriott, Marsh & McLennan Companies, McKesson Technologies, Merck & Co., Mitchell Gold + Bob Williams, Morgan Stanley, New Balance, Nike, Olive Garden, Pizza Hut, RBC Wealth Management, Rite-Aid, Ryder Systems, Subway, SUPERVALU, Target, TD Bank, Texas Instruments, Time Warner, UnumProvident, UPS, Walmart.

COLLEGES AND UNIVERSITIES WITH GENDER IDENTITY AND SEXUAL ORIENTATION NON-DISCRIMINATION POLICIES

Bangor Theological Seminary, Bates College Maine Media College, Bowdoin College, Colby College, University of Maine System (7 campuses).

STATE AND LOCAL GOVERNMENTS WITH GENDER IDENTITY AND SEXUAL ORIENTATION NON-DISCRIMINATION POLICIES

State of Maine.

BUSINESS COALITION FOR WORKPLACE FAIRNESS

The majority of United States businesses have already started addressing workplace fairness for lesbian, gay, bisexual and transgender employees. But we need a federal standard that treats all employees the same way.

The Business Coalition for Workplace Fairness is a group of leading U.S. employers that support the Employment Non-Discrimination Act, a federal bill that would provide the same basic protections that are already afforded to workers across the country.

Lesbian, gay, bisexual and transgender employees are not protected under federal law from being fired, refused work or otherwise discriminated against. ENDA would do just that.

LEADING EMPLOYERS THAT SUPPORT WORKPLACE FAIRNESS AND THE PASSAGE OF THE FEDERAL EMPLOYMENT NON-DISCRIMINATION ACT

Accenture Ltd., New York, NY; Alcoa Inc., New York, NY; American Eagle Outfitters

Inc., Pittsburgh, PA; American Institute of Architects, Washington, DC; Ameriprise Financial Inc., Minneapolis, MN; Amgen Inc., Thousand Oaks, CA; AMR Corp. (American Airlines), Fort Worth, TX; Bank of America Corp., Charlotte, NC; The Bank of New York Mellon Corp. (BNY Mellon), New York, NY; Barclays, New York, NY; BASF Corp., Florham Park, NJ; Bausch & Lomb Inc., Rochester, NY; Best Buy Co. Inc., Richfield, MN; Bingham McCutchen LLP, Boston, MA; Biogen Idec Inc., Weston, MA; BMC Software Inc., Houston, TX; BNP Paribas, New York, NY; Boehringer Ingelheim Pharmaceuticals Inc., Ridgefield, CT; BP America Inc., Warrenville, IL; Bristol-Myers Squibb Co., New York, NY; Broadridge Financial Solutions Inc., Lake Success, NY; CA Technologies Inc., Islandia, NY; Caesars Entertainment Corp., Las Vegas, NV; Capital One Financial Corp., McLean, VA; Cardinal Health Inc., Dublin, OH; CareFusion Corp., San Diego, CA.

CC Media Holdings Inc. (Clear Channel), San Antonio, TX; Charles Schwab & Co., San Francisco, CA; Chevron Corp., San Ramon, CA; Choice Hotels International Inc., Silver Spring, MD; Chubb Corp., Warren, NJ; Cisco Systems Inc., San Jose, CA; Citigroup, New York, NY; Clorox Co., Oakland, CA; The Coca-Cola Co., Atlanta, GA; Corning Inc., Corning, NY; Darden Restaurants Inc., Orlando, FL; Dell Inc., Round Rock, TX; Deloitte LLP, New York, NY; The Depository Trust & Clearing Corp., New York, NY; Deutsche Bank, New York, NY; Diageo North America, Norwalk, CT; Dow Chemical Co., Midland, MI; Eastman Kodak Co., Rochester, NY; Electronic Arts Inc., Redwood City, CA; Eli Lilly & Co., Indianapolis, IN; EMC Corp., Hopkinton, MA; Ernst & Young LLP, New York, NY; Expedia Inc., Bellevue, WA; Gap Inc., San Francisco, CA; General Electric Co., Fairfield, CT; General Mills Inc., Minneapolis, MN; General Motors Corp., Detroit, MI; GlaxoSmithKline, Philadelphia, PA; Goldman Sachs Group Inc., New York, NY; Google Inc., Mountain View, CA.

Groupon Inc., Chicago, IL; Hanover Direct Inc., Weehawken, NJ; Herman Miller Inc., Zeeland, MI; Hewlett-Packard Co., Palo Alto, CA; Hillshire Brands Co., Downers Grove, IL; Hilton Worldwide, McLean, VA; Hospira Inc., Lake Forest, IL; HSBC—North America, Prospect Heights, IL; Hyatt Hotels Corp., Chicago, IL; Integrity Staffing Solutions Inc., Wilmington, DE; InterContinental Hotels Group Americas, Atlanta, GA; International Business Machines Corp., Armonk, NY; Jenner & Block LLP, Chicago, IL; JPMorgan Chase & Co., New York, NY; Kaiser Permanente, Oakland, CA; KeyCorp, Cleveland, OH; Kimpton Hotel & Restaurant Group, San Francisco, CA; KPMG LLP, New York, NY; Levi Strauss & Co., San Francisco, CA; Marriott International Inc., Bethesda, MD; Marsh & McLennan Companies Inc., New York, NY; Merck & Co. Inc., Whitehouse Station, NJ; Microsoft Corp., Redmond, WA; MillerCoors Brewing Co., Chicago, IL.

Mitchell Gold + Bob Williams, Taylorsville, NC; Moody's Corp., New York, NY; Morgan Stanley, New York, NY; Motorola Inc., Schaumburg, IL; Nationwide, Columbus, OH; The Nielsen Co., Schaumburg, IL; Nike Inc., Beaverton, OR; Oracle Corp., Redwood City, CA; Orbitz Worldwide Inc., Chicago, IL; Pfizer Inc., New York, NY; PricewaterhouseCoopers LLP, New York, NY; Procter & Gamble Co., Cincinnati, OH; QUALCOMM Inc., San Diego, CA; RBC Wealth Management, Minneapolis, MN; Replacements Ltd., McLeansville, NC; Robins, Kaplan, Miller & Ciresi LLP, Minneapolis, MN; Self-Help Credit Union, Durham, NC; SUPERVALU Inc., Eden Prairie, MN; Teachers Insurance and Annuity Association—College Retirement Equities Fund, New York, NY; Tech Data Corp., Clearwater, FL; Texas Instruments Inc., Dallas, TX; Thomson Reuters, New York, NY; Time Warner Inc., New York, NY; Travelers Companies Inc., New York, NY; UBS AG, Stamford, CT; US Airways Group Inc., Tempe, AZ; WellPoint Inc., Indianapolis, IN; Wells Fargo & Co., San Francisco, CA; Whirlpool Corp., Benton Harbor, MI; Xerox Corp., Stamford, CT; Yahoo! Inc., Sunnyvale, CA.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank my colleague from Maine for her statement. This is not a partisan issue. Senator MARK KIRK, my Republican colleague from Illinois, is a cosponsor of this issue as well.

When it comes to discrimination, neither party has a monopoly on opposing discrimination. We should be working together. So I thank the Senator from Maine for speaking as she has so often for the kinds of liberties and values which we all should share in this country.

If we ask most Americans this very basic question: Is it legal to discriminate against someone because they are gay—to say I won't hire you, I won't promote you, I won't give you a raise—80 percent of Americans say, of course not. That can't be legal in America. The reality is that in more than half of the States it is legal, and in more than two-thirds of the States it is legal to discriminate based on gender identity. That which we take for granted as part of the ordinary course of life and business in America turns out not to be true. This ENDA bill, which is going to be considered on a procedural vote in about an hour, is an effort to establish a national standard of tolerance, a national standard against discrimination.

I come from a background—and I think most people do—that believes each person deserves a chance to prove themselves and that we shouldn't hold it against them if they happen to be a man or a woman, a person who is of one religious faith or another, or because of a person's national origin, race, or religion. We shouldn't discriminate against people based on that. It really strikes me as fundamental to what we are as Americans to say that everyone deserves a chance to be judged on the merits, on the basis of their performance. This Employment Non-Discrimination Act, on which we will consider a procedural vote in about an hour, is an effort to enshrine that into law at the Federal level.

Some of the critics say: Why are you doing this? The House of Representatives will never take this up; they will never consider it. Well, I think it is our responsibility to speak out in favor of doing the right thing. I am hoping that, as we saw with the statement from the Senator from Maine, Republicans will step up and realize that this shouldn't be a partisan issue, and that the Republican-controlled House of Representatives, where the Republicans have the majority, will actually stand and speak against this form of discrimination.

As many as 48 percent of lesbian, gay, or bisexual Americans and 59 percent of transgender Americans have no legal protection against discrimination in the workplace. In 29 States, lesbian, gay, and bisexual Americans have no legal protection. In three States, transgender Americans have no protection. Between 15 percent and 43 percent of LGBT people have experienced discrimination or harassment in the workplace as a result of their sexual orientation. Twenty-six percent of transgender people report having been fired from a job because of gender identity, and 90 percent reported experiencing harassment, mistreatment, or discrimination.

Those are terrible statistics, but there is a ray of hope. We found it on the issue of marriage equality, and we found it when it comes to discrimination based on sexual orientation, and here is what is most hopeful: Younger people don't feel this way. The newer generation across America looks at the older folks, scratches their heads, and says: What are you doing? Why would you possibly discriminate against someone because of their sexual orientation?

There are some who will decry this as the deterioration of American values. Not me. I think it is an indication that each generation has an opportunity to expand opportunity, an opportunity to expand freedom, and to put to rest discrimination. How many times has it happened throughout our history? We waged a Civil War over the issue of race and slavery, and in our Constitution women were treated as second class citizens and not allowed to vote until the 20th century. We have seen similar discrimination against groups throughout our history. We know it happened in the early days when it came to discrimination against those who were disabled and faced other disabilities. All of that is changing for the better. We are moving toward a society that really judges people based on what they do with their lives, how they conduct themselves.

When we extend Federal employment discrimination protections currently provided based on race, religion, sex, national origin, age, and disability to sexual orientation and gender identity, we will be moving forward on this Employment Non-Discrimination Act, which is known as ENDA. In this measure, we prohibit public and private employers with more than 15 employees, employment agencies, and labor unions from using an individual's sexual orientation or gender identity as the basis for employment discrimination such as hiring, firing, promotion or compensation. We apply to Congress and the Federal Government as well as employees of State and local governments the same basic protection.

This bill reflects what the business community is largely already doing. A majority of Fortune 500 companies have sexual orientation and gender identity nondiscrimination policies in

place. More than 100 companies have already endorsed this bill.

Recent polling has shown the majority of small businesses have sexual orientation and gender identity nondiscrimination policies in place. One might say: If so many businesses are already moving in this direction, why do we need it? Well, the vast majority of American businesses didn't discriminate based on race, but to protect people looking for jobs, and others, we wanted to make sure everyone was protected in the Civil Rights Act.

The business community from Wall Street to Main Street understands that hiring the best and brightest, without considering irrelevant characteristics such as sexual orientation and gender identity, is the best way to compete in our global economy.

ENDA would extend the protections already offered by the majority of businesses to level the playing field and ensure that all Americans have equal protection against employment discrimination.

We do not get many chances in this job to make a mark in history. This will be our chance in the Senate. In just an hour we will have this procedural vote. We need 60. We have 55 Democrats, but we need 5 Republicans to step up and join us. I believe we will have them, and I hope many more.

Let's make this a solid bipartisan effort, a solid stand against discrimination. That ought to be one issue that brings both parties together. With a solid vote coming out of the Senate, I hope our friends on the opposite side of the Rotunda will follow our lead and they will consider and pass this important and historic legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF GREGORY HOWARD WOODS TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

NOMINATION OF DEBRA M. BROWN TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Gregory Howard Woods, of New York, to be United States District Judge for the Southern District of New York and Debra M. Brown, of Mississippi, to be United States District Judge for the Northern District of Mississippi.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

Mr. LEAHY. Madam President, today, we are voting on the nominations of Debra Brown and Gregory Woods to fill vacancies on the District Courts of Mississippi and New York. If confirmed, Ms. Brown would be the first African-American woman to serve as a Federal judge in Mississippi. I am proud that together we will reach a landmark moment in diversity on the Federal bench, and I commend President Obama, Senator WICKER, and Senator COCHRAN for their important efforts.

These nominations come at a trying time for the Federal courts. We have more than 90 judicial vacancies, and 37 of these vacancies have been designated as emergency vacancies due to high caseloads by the nonpartisan Administrative Office of the U.S. Courts. While it is a sign of progress that we will vote to confirm two additional judges today, it is essential that the Senate move faster to confirm those judges that the Federal judiciary so urgently needs.

Last week, when debating whether we would be allowed to have an up-or-down vote on the nomination of Patricia Millett to the DC Circuit, there was a lot of talk by Senate Republicans that Senate Democrats should be concerned with filling judicial emergency vacancies rather than the DC Circuit, which they claim does not need more judges. We all know that their arguments about the DC Circuit have nothing to do with caseload and everything to do with the political party of the President nominating. As one of only three members of my caucus who have served in the Senate since the 1970s, and having served both in the majority and the minority, I have cautioned against changing the rules. However, if the filibuster rules continue to be abused by my Republican colleagues I will have no option but to reconsider my longstanding opposition to such a change.

I also find the Senate Republicans' newfound concern about judicial emergency vacancies particularly rich with irony given their role in preventing this President from filling many of those vacancies. In fact, nearly half of the emergency vacancies are empty because of Republican obstruction. First, there are 15 judicial nominees pending before the full Senate, including 7 nominees who would fill judicial emergency vacancies if the Republicans would allow us to vote on them today: Elizabeth A. Wolford, to be U.S. district judge for the Western District of New York; Brian Morris, to be U.S. district judge for the District of Montana; Susan P. Watters, to be U.S. district judge for the District of Montana; Brian J. Davis, to be U.S. district judge for the Middle District of Florida; James Donato, to be U.S. district judge for the Northern District of California; Beth Labson Freeman, to be U.S. district judge for the Northern District of California; and Pedro A. Delgado Hernandez, to be U.S. district judge for the District of Puerto Rico. Instead, Republicans continue to force many of these nominees to wait needlessly on the Senate floor.

Moreover, Republicans are obstructing nominees from filling these judicial emergency vacancies in other ways that the public is less aware. Much of these delay tactics occur earlier in the process, and include the refusal to return blue slips and the refusal to provide recommendations to the President for district court nominees from their State that they would be willing to support. In fact, there are judicial emergency vacancies that have persisted for years because certain Republican Senators refuse to either return their blue slip or provide a recommendation to the President. So I take these hollow accusations about focusing on judicial emergency vacancies from Senate Republicans with a grain of salt. This is advice I will heed once Senate Republicans demonstrate through their actions that they care about filling vacancies.

It is good news for New York and Mississippi that the Senate will vote today to confirm two excellent nominees. Yet I believe that the Senate should have acted sooner on these nominations. These nominees are uncontroversial and have remained on the Senate floor for far too long. The unnecessary and irresponsible government shutdown did serious harm to our Federal courts, which was already operating on fumes as a result of sequestration and the high levels of judicial vacancies.

Gregory Woods is nominated to a vacancy on the U.S. District Court for the Southern District of New York. Since 2012, Mr. Woods has served as the general counsel for the U.S. Department of Energy. He previously served for 3 years as deputy general counsel at the Department of Transportation, and in private practice for 11 years at Debevoise & Plimpton LLP, first as an associate, and later as a partner. Following law school, he worked for 4 years as a trial attorney in the Commercial Litigation Branch of the Civil Division at the Department of Justice. Mr. Woods earned his B.A., with honors, from Williams College and his J.D. from Yale Law School. He has the support of both of his home State Senators, Senator SCHUMER and Senator GILLIBRAND. The Judiciary Committee approved his nomination by voice vote more than 3 months ago.

Debra Brown is nominated to a vacancy on the U.S. District Court for the Northern District of Mississippi. Since 2012, Debra Brown has been a

shareholder in the law firm Wise Carter Child & Caraway. She previously worked at the law firm Phelps Dunbar LLP for over 15 years, first as an associate, then as a partner, and finally as a counsel. While earning a reputation as an excellent litigator, she stayed involved in her community, providing pro bono legal services through the Mississippi Volunteer Lawyers Project and serving on the Board of Directors for the Mississippi Center for Justice. Ms. Brown earned her B.A. from Mississippi State University, and her J.D. from the University of Mississippi School of Law. Her nomination has the support of both her home State Senators, Senator WICKER and Senator COCHRAN. The Judiciary Committee approved her nomination by voice vote more than 3 months ago.

To me, the path forward is simple. Nominees such as the ones being voted on today and the other uncontroversial, qualified nominees currently pending before the full Senate should be confirmed immediately so that they can get to work for the American people. Now that this shutdown has ended, we must work together to make sure that our Federal judiciary, a coequal and independent branch of government, has the resources it needs to be working at full strength and with a full complement of judges. Only then will we have a judicial system worthy of the American people.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I am pleased to support the confirmation of Ms. Debra Brown to be a U.S. district court judge for the Northern District of Mississippi.

Ms. Brown graduated from the Mississippi State University School of Architecture in 1987, where she served as a member of the school's advisory council. She worked as an architect in Washington, DC, where she participated in the renovation and restoration of municipal and historic buildings and in the construction of commercial and residential properties as well.

She received her law degree from the University of Mississippi School of Law in 1997, where she served as associate editor and articles editor of the Mississippi Law Journal. Ms. Brown became the only lawyer in Mississippi with degrees in both architecture and law.

In 1997 she joined the Phelps Dunbar law firm in Jackson, MS, where she became a partner and remained until January 2012, when she joined, as a shareholder, the Jackson law firm of Wise Carter Child & Caraway. Both of these firms are highly respected.

During her almost 16 years in private practice, Ms. Brown has had the opportunity to be involved in numerous civil cases in a wide range of subjects. Her specialty was commercial construction and civil liability litigation. She is a member of the American Bar Association, the National Bar Association, and the Federal Bar Association, as well as a member of the Mississippi State Bar, the Magnolia Bar Association, and the Mississippi Women Lawyers Association, where she has served as president. She is a fellow of the Mississippi Bar Foundation. In 2004 Ms. Brown received the Jackson Young Lawyers Outstanding Service Award, and in 2008 she was recognized by the Mississippi Business Journal as one of Mississippi's leading businesswomen.

Her nomination was approved unanimously by the U.S. Senate Committee on the Judiciary. I am very pleased to support this nomination. Ms. Debra Brown is very well qualified for this important responsibility, and I am confident she will serve with distinction as a U.S. district court judge.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Madam President, I rise this afternoon, joining my colleague from Mississippi, in strong support of Debra Brown's confirmation to the U.S. District Court for the Northern District of Mississippi. Ms. Brown was nominated in May by President Obama to fill the seat held by my friend, the late district court judge Allen Pepper.

As one of Mississippi's two U.S. Senators, I enthusiastically recommend Ms. Brown based upon her qualifications. In addition, I am thrilled and honored to be part of this historic moment for our State. If confirmed, Ms. Brown will become the first female African-American U.S. district judge in Mississippi. Making history, however, would be just the latest achievement in Ms. Brown's admirable career, which has reflected a longtime commitment to excellence—the kind of excellence her parents expected of her and her four sisters throughout their childhood. Ms. Brown would go on to make her parents proud and to be a credit to her hometown.

Sharing in this special moment today is Ms. Brown's native Yazoo City, MS. It is worth mentioning that along with Federal judges William Barbour and Carlton Reeves, Debra Brown now becomes the third district court judge in recent memory from the small town of Yazoo City.

Ms. Brown is a proven trailblazer. As my colleague just stated, she was the second African-American female to graduate from the School of Architecture at Mississippi State University and the first member of her family to earn a law degree, which she completed in 1997 from the University of Mississippi School of Law. So her confirmation today will be a source of justifiable pride for two of Mississippi's great universities. Not many lawyers in the country have degrees in architecture and in law, and indeed Debra Brown is reportedly the only practicing lawyer in Mississippi with an architectural background.

Following law school, Ms. Brown rose to become a partner in the law office of Phelps Dunbar in Jackson, MS. Since last year she has been a shareholder in the law firm of Wise Carter Child & Caraway, where she has handled a wide variety of commercial litigation matters before both Federal and State courts.

According to press reports, Ms. Brown's friends expect her to be very coordinated, very detailed, and very prepared as a judge. Ms. Brown's college dean at Mississippi State University recalled that her key character traits are perseverance, diligence, and focus. He noted that she overcame early struggles, winning the top architecture student honor—the Alpha Rho Chi Medal—in her senior year.

It is clear that Ms. Brown will bring a unique perspective to the court, drawing upon a diverse professional and educational background. I am confident her service will be good for our country, our State, and especially good for the city of Greenville, where she will preside. Having a judge who is also an architect would be particularly serendipitous for Greenville. The Federal courthouse there is woefully inadequate. The court is in desperate need of a new state-of-the-art courthouse. I am hopeful Ms. Brown's tenure will coincide with its construction.

Although Ms. Brown's law career has focused primarily on civil litigation, her dedication to her profession goes far beyond casework. From 2003 to 2004 she served as president of the Mississippi Women Lawyers Association. She was also named by the Mississippi Business Journal as one of Mississippi's 50 leading businesswomen. In addition to pro bono work, Ms. Brown serves on the board of the Mississippi Center for Justice, a public interest law firm that combats discrimination and poverty in Mississippi, and Operation Shoestring, which empowers families and children in the Jackson community. She has been endorsed by a number of prestigious organizations, including the Magnolia Bar Association, which represents minorities and other lawyers and judges throughout the State of Mississippi.

Our country needs judges who have a record of professional excellence, integrity, and public service. Ms. Brown has demonstrated this throughout her career. I urge my colleagues to vote for her confirmation for the U.S. District Court for the Northern District of Mississippi.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I am told the Senator from Illinois is waiting to speak. I know the time has been reserved for me on these judges, but of course I would be willing to yield to him.

I ask the Chair, how long does the Senator from Illinois need?

Mr. KIRK. A very brief time.

Mr. LEAHY. Madam President, I will yield to him.

I do want to tell my two friends from Mississippi that I agree with what they

have said about their nominee. I was proud to vote for her in the Senate Judiciary Committee, proud to put her name on the agenda, and proud to have the hearing for her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Madam President, I ask unanimous consent to deliver my remarks while seated.

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

EMPLOYMENT NON-DISCRIMINATION ACT

Mr. KIRK. Madam President, I have been silent for the last 2 years due to having a stroke a little under 2 years ago. I have come to speak because I believe so passionately in the ENDA statute. This is not a major change to law. It is already law in 21 States.

I think it is particularly appropriate for an Illinois Republican to speak on behalf of this measure, in the true tradition of Everett McKinley Dirksen and Abraham Lincoln, men who gave us the 1964 Civil Rights Act and the 13th Amendment to the Constitution.

With that, 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. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRASSLEY. Madam President, would I be in order to speak about judges who are going to be voted on?

The PRESIDING OFFICER. The Senator would be in order.

Mr. GRASSLEY. Madam President, I rise in support of the nominations of Debra M. Brown to be U.S. district judge for the Northern District of Mississippi and Gregory Howard Woods to be U.S. district judge for the Southern District of New York.

Before we vote on these nominations, I want to inform my fellow Senators and the American people once again on the excellent progress we have made on nominations and the fair treatment of President Obama's nominees. With these confirmations today, the Senate will have confirmed 38 lower court article III judicial nominees this year.

Despite what I frequently hear—that this President is being treated differently than President Bush—President Obama is clearly ahead of where President Bush was at a similar timeframe, meaning at this time in his second term. The 38 confirmations this year is more than 2½ times the number confirmed at a similar stage in President Bush's second term, when only 14 judicial nominees had been confirmed. In fact, for the entire fifth year of President Bush's term, only 21 lower court judges were confirmed. Again, in President Obama's fifth year we will have confirmed 38 nominees after today's votes.

In addition to the robust pace of activity on the floor, the committee has had an aggressive schedule of hearings and business meetings taking action on many more nominees. In total, the Senate will have confirmed 207 lower court article III judges. We have voted against three nominees. So 207 to 3 being defeated is a success rate for the President of 99 percent of his nominees. I think that is a pretty outstanding record not just for President Obama but for any President. So I reject the continuing rhetoric regarding how Republicans are obstructing President Obama's judicial nominees.

Again, I congratulate the nominees on their anticipated confirmations.

Debra M. Brown is nominated to be United States District Judge for the Northern District of Mississippi. She received her B.Arch. from Mississippi State University in 1987. She worked as an associate in architectural firms until starting law school in 1994. She received her J.D. from University of Mississippi School of Law in 1997. Upon graduation, she joined Phelps Dunbar LLP as an associate, focusing on commercial litigation primarily in the financial and insurance context representing commercial clients such as banks, mortgage companies, property and casualty insurers and commercial property managers. She became partner in 2004, and handled matters concerning construction-related litigation for construction sureties, general contractors and some subcontractors. In 2012, she moved to Wise Carter Child & Caraway, P.A. There, she continues to handle construction litigation, as well as representation of owners in construction matters, and representation of hospitals and medical providers in the context of employment law and medical malpractice. She has participated in 12 trials, two as sole counsel, and one as chief counsel.

The ABA has given Ms. Brown a rating of ''Unanimous Qualified''.

Gregory Howard Woods is nominated to be United States District Judge for the Southern District of New York. He received his B.A. from Williams College in 1991 and his J.D. from Yale Law School in 1995. After graduating from law school, Mr. Woods joined the Department of Justice as a trial attorney in the civil division. While at DOJ, his practice included investigating and litigating cases under the False Claims Act. In 1998, Mr. Woods joined Debevoise & Plimpton as an associate and was made an equity partner in 2004. At Debevoise & Plimpton his practice was focused almost exclusively on corporate transactional law. As a partner, he devoted his practice principally to finance and restructuring matters.

In August 2009 he was named Deputy General Counsel for the Department of Transportation. In 2012, after Senate confirmation, he was appointed by President Obama to be General Counsel of the Department of Energy.

The ABA has given Mr. Woods a rating of ''Majority Qualified, Minority Well Qualified''.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I won't go on so much on the numbers, but I did hear my friend say there is a question whether President Obama has been treated differently than President Bush. I would note that when President Bush nominated John Roberts for the ninth seat to the DC Circuit, he was confirmed by every single Republican and Democrat voting for him.

Patricia Millett, with exactly the same credentials as he for the Ninth seat, was filibustered by the Republicans. Were they treated differently? Yes. That happened last week, so it is fresh in our memories. But I wish to talk about a different issue.

Today, Senators are finally going to have a chance to cast their vote and put on the record where every Senator stands on the fundamental issue of fairness. The Employment Non-Discrimination Act will help bring this great Nation one step closer to the goal of equal rights for all Americans.

I have long believed that American workers should be evaluated based on how they perform, not on irrelevant considerations such as gender, race, gender identity, or sexual orientation, but on how they do the job. If they do the job, they ought to be praised for it. In these difficult economic times, ensuring equal protection in the workplace is even more critical. We have to do better. We shouldn't question if people should be treated the same in the workplace, but that is what has happened in parts of this country. Maintaining the status quo would keep in place a system that supports a second class of workers in a majority of States. This runs counter to the values on which America was founded. It has to end.

The Employment Non-Discrimination Act would prohibit workplace discrimination and make it illegal to fire, refuse to hire, or refuse to promote employees simply based on an individual's sexual orientation or gender identity. Currently, Federal law protects against employment discrimination on the basis of race, gender, religion, national origin, or disability—as it should. But it doesn't stop discrimination based on sexual orientation or gender identity. It is long overdue for Congress to extend these protections to all American workers.

I am a native of Vermont. I am proud to represent the State of Vermont, as I have for almost four decades, in this body. One reason I am proud to represent Vermont is our State has led the country on so many civil rights issues. Vermonters believe in individual rights, in fairness, and in equality. More than two decades ago, our State of Vermont added sexual orientation to the list of protected categories in its antidiscrimination employment law, and Vermont expanded its protections to include gender identity protection 6 years ago. Yet in 29 States, an employer can fire employees based on

their sexual orientation, and in 33 States, they can be fired based on their gender identity. This is not right. I might also point out, Vermont has one of the lowest unemployment rates of any State in the country.

Many employers have taken this issue into their own hands, making up for Congress's inaction by implementing important antidiscrimination policies. As of April of this year, 88 percent of the Fortune 500 companies had nondiscrimination policies that included sexual orientation, and 57 percent had policies including gender identity.

I wish to mention two Vermont companies in particular, Fletcher Allen Health Care and Green Mountain Coffee Roasters, for showing real leadership on this issue; they banned discrimination in the workplace based on gender identity and sexual orientation.

I also applaud companies such as IBM, Microsoft, General Electric, and Time Warner for doing the right thing. Two of these companies have a major presence in Vermont. These corporations know that treating all their employees equally is not only fair—it also makes good business sense. They know that. It is time that we in Congress know that too.

Workplace discrimination hurts families, and the hatred that drives discrimination has no place in a nation continually striving to form a more perfect union. So I thank Chairman HARKIN for making this bipartisan legislation a priority in his committee, and for conducting the groundwork in creating the record we need to ensure this important bill's passage. The bipartisan team of Senator MERKLEY and Senator COLLINS brought together Members by their thoughtfulness and tenacity.

A dear friend of mine used to sit in the back, and was in the Senate when I came here. I learned so much from him. I am speaking of Ted Kennedy. I have to think he is looking down on this Chamber tonight as we try to pass legislation he worked so hard to craft in his final years in the Senate. I was happy to work on this civil rights legislation with him then and with his partner on this effort, a former Vermont Senator, Jim Jeffords. We honor their leadership tonight with this vote.

I am encouraged States and employers are moving forward where we have not. But I believe ending discrimination must also be a priority for Congress. I look at the distinguished Presiding Officer, and I think of her predecessor—another dear friend of mine for nearly four decades—and the discrimination he faced when he came out of the service, having lost an arm, and having received the Medal of Honor for this country, and was still told in some places in America that he couldn't walk into their establishment. I am sure each of us can think of times of discrimination of all sorts.

Let's pass legislation that bans all discrimination in the workplace, whatever it is. Until we do that, we will fail to achieve the motto engraved in Vermont marble above the Supreme Court building that declares ''Equal Justice Under Law.'' Let's make sure all Americans have the equal rights they deserve.

I urge my fellow Senators to come together and support this important bipartisan bill without delay, and the other body to have the courage to stand up for America—standing up for all Americans, every single American—and vote for this legislation.

I yield the floor and 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. LEAHY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. LEAHY. Madam President, is there time remaining?

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Gregory Howard Woods, of New York, to be United States District Judge for the Southern District of New York.

The nomination was confirmed.

VOTE ON BROWN NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Debra M. Brown, of Mississippi, to be United States District Judge for the Northern District of Mississippi?

Mr. LEAHY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 228 Ex.]

YEAS—90

Alexander	Baucus	Booker
Ayotte	Begich	Boozman
Baldwin	Bennet	Boxer
Barrasso	Blumenthal	Brown
Cantwell	Heitkamp	Paul
Cardin	Heller	Portman
Carper	Hirono	Pryor
Casey	Hoeven	Reed
Coats	Inhofe	Reid
Cochran	Isakson	Risch
Collins	Johanns	Roberts
Coons	Johnson (SD)	Rockefeller
Corker	Johnson (WI)	Rubio
Cornyn	Kaine	Sanders
Crapo	King	Schatz
Cruz	Kirk	Schumer
Donnelly	Klobuchar	Scott
Durbin	Landrieu	Sessions
Enzi	Leahy	Shaheen
Feinstein	Lee	Shelby
Fischer	Levin	Stabenow
Flake	Manchin	Tester
Franken	Markey	Thune
Gillibrand	McConnell	Toomey
Graham	Menendez	Udall (CO)
Grassley	Merkley	Udall (NM)
Hagan	Mikulski	Warner
Harkin	Murphy	Whitehouse
Hatch	Murray	Wicker
Heinrich	Nelson	Wyden

NOT VOTING—10

Blunt	McCain	Vitter
Burr	McCaskill	Warren
Chambliss	Moran	
Coburn	Murkowski	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

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

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form prior to a vote on the motion to invoke cloture on the motion to proceed to S. 815.

Who yields time?

The Senator from Iowa.

Mr. HARKIN. Madam President, the Senate is about to take another historic step. Think about it. In 1964 we had the Civil Rights Act. In 1990—23 years ago—I stood here when we passed the Americans with Disabilities Act, which extended civil rights to people with disabilities.

Today we are taking one more step to make the American family more inclusive and once and for all ban employment discrimination against gay, lesbian, bisexual, and transgender Americans.

This is a historic opportunity for the Senate once again to say that we are all members of the American family. No one should be discriminated against because of race, sex, religion, or national origin. They should not be discriminated against because of who they love, who they are or whether they are gay, lesbian, bisexual, or transgender.

This is a historic step for the Senate to take today.

I urge a yea vote on the motion to proceed.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. REID. Madam President, I yield back time on the motion to invoke cloture.

The PRESIDING OFFICER. Without objection, all time has been yielded back.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 184, S. 815, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

Richard J. Durbin, Tom Harkin, Jeff Merkley, Benjamin L. Cardin, Michael F. Bennet, Barbara Mikulski, Charles E. Schumer, Martin Heinrich, Patrick J. Leahy, Robert Menendez, Barbara Boxer, Kirsten E. Gillibrand, Mazie K. Hirono, Tammy Baldwin, Amy Klobuchar, Jack Reed, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 815, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity, and for other purposes, shall be brought to a close.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), the Senator from Louisiana (Mr. VITTER), and the Senator from Alaska (Ms. MURKOWSKI).

The yeas and nays resulted—yeas 61, nays 30, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—61

Ayotte	Collins	Hirono
Baldwin	Coons	Johnson (SD)
Baucus	Donnelly	Kaine
Begich	Durbin	King
Bennet	Feinstein	Kirk
Blumenthal	Franken	Klobuchar
Booker	Gillibrand	Landrieu
Boxer	Hagan	Leahy
Brown	Harkin	Levin
Cantwell	Hatch	Manchin
Cardin	Heinrich	Markey
Carper	Heitkamp	Menendez
Casey	Heller	Merkley
Mikulski	Rockefeller	Udall (CO)
Murphy	Sanders	Udall (NM)
Murray	Schatz	Warner
Nelson	Schumer	Warren
Portman	Shaheen	Whitehouse
Pryor	Stabenow	Wyden
Reed	Tester	
Reid	Toomey	

NAYS—30

Alexander	Fischer	McConnell
Barrasso	Flake	Paul
Boozman	Graham	Risch
Coats	Grassley	Roberts
Cochran	Hoeven	Rubio
Corker	Inhofe	Scott
Cornyn	Isakson	Sessions
Crapo	Johanns	Shelby
Cruz	Johnson (WI)	Thune
Enzi	Lee	Wicker

NOT VOTING—9

Blunt	Coburn	Moran
Burr	McCain	Murkowski
Chambliss	McCaskill	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

(Disturbance in the visitors gallery.)

The PRESIDING OFFICER. No expressions of approval are permitted in the gallery.

The Senator from Louisiana.

Ms. LANDRIEU. I thank my colleagues who led this effort on this nondiscrimination bill, which is historic, and I am pleased we had a bipartisan vote to make America more accepting and a just place. It is a work-in-progress, and I am very pleased we could find the support on this floor to do that. Now the bill goes to the House, and I urge my colleagues in my congressional delegation and others to look at this bill with an open mind and an open heart and end discrimination in the workplace. I urge them to support this bill.

(The further remarks of Ms. LANDRIEU pertaining to the introduction of S. 1642 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.)

Ms. LANDRIEU. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. BENNET. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

EMPLOYEE BENEFIT RESEARCH INSTITUTE

Mr. HARKIN. Mr. President, I rise to congratulate the Employee Benefit Research Institute on its 35th anniversary this year.

As chairman of the Committee on Health, Education, Labor, and Pensions, I know how important it is for policymakers to have access to quality data on our health and retirement systems. And for 35 years, EBRI has been providing just that kind of information. For instance, EBRI is a major source of information on how health plan coverage has evolved over the years and how employers have responded to market changes. EBRI is also a unique resource on both 401(k) and IRA ownership, and during the Enron crisis of several years ago, EBRI was one of the only sources of data on what was happening with company stock in 401(k) plans. Because of their expertise and reliability, we in Congress frequently ask EBRI's experts to testify at our hearings, since we know we can trust what they have to say.

Health and retirement coverage for American families is critically important to our Nation's future. We are fortunate to have such a respected and reliable source as EBRI to tell us what is happening with employee benefits, and I commend them on their anniversary.

ADDITIONAL STATEMENTS

TRIBUTE TO JO KENNEY

• Mr. ISAKSON. Mr. President. I would like to honor in the RECORD Ms. Jo Kenney of Atlanta, GA.

Jo has continually demonstrated leadership in both her profession of real estate and her local community. She serves on the DeKalb Association of REALTORS® board of directors and its executive, nominating and Pinnacle Award committees. She is also the former president of the Women's Council DeKalb chapter. Jo also serves on the board of directors for the Decatur Kiwanis Club, is a cofounder of the Atlanta Independent Women's Network and regularly serves as a mentor to other REALTORS®.

Jo has received numerous awards throughout her career for her efforts. Jo received the 2009 Businesswoman of the Year Award from the DeKalb chapter of the Women's Council of REALTORS®, the 2010 Member of the Year Award from the Georgia Chapter of the Women's Council of REALTORS®, the 2013 REALTOR® of the Year Award from the DeKalb Association of REALTORS®, the 2013 Five Star Professional Award and the Mary Nelson Spirit Award.

On November 9, 2013, Jo Kenney will be installed as the 2014 national president of the Women's Council of REALTORS®, which is an affiliate of the National Association of REALTORS® and the 12th largest women's professional organization in the United States. Jo will be the third person from my home State of Georgia to serve as president of this national organization. Through Jo's strong leadership, dedication and guidance, I know that she will be successful in her role as president of the

National Women's Council of REALTORS®, and I wish her the best in her endeavors.●

REMEMBERING VICENTE OJINAGA

● Mr. UDALL of New Mexico. Mr. President, in less than 1 week our Nation will commemorate Veterans Day. It is a day that we set aside to honor the men and women who have served in our Armed Forces, those who are still among us, as well as those who, sadly, have left us.

Today I wish to pay tribute to an American hero, Vicente Ojinaga, who passed away on September 30 at the age of 95. Mr. Ojinaga was a valiant soldier, a member of the Army's 200th Coast Artillery Regiment, a defender of Bataan and Corregidor, and a survivor of the Bataan Death March.

During World War II, the courageous defenders of Bataan were an inspiration for an embattled nation. The Japanese attack on the Philippines in December of 1941 came just hours after Pearl Harbor. The Battling Bastards of Bataan were outnumbered and outsupplied, but for 4 intense months they fought on against all odds. In holding off the enemy forces longer than expected, they bought the Allies precious time to regroup. They were, and always will be, an inspiring reminder of the grit and determination of both Americans and Filipinos.

The courage and sacrifice of those brave troops should never be forgotten. Their number included 1800 New Mexicans. Many of them were also Hispanic, deployed to the Philippines because of their ability to speak Spanish. They were dedicated to defending the freedoms that we all hold dear, at a time when they themselves were treated as second-class citizens.

For Mr. Ojinaga and his fellow soldiers, even worse was yet to come after the surrender. Those who survived the Bataan Death March faced 3½ years of horrific conditions and forced labor in Japanese prisons.

In an interview with the Santa Fe New Mexican, Mr. Ojinaga's daughter, Teri Gonzales, recalled that her father would sometimes tell his family about his experience during the war, but not in detail. ''We didn't want him to relive the horrible things,'' Mrs. Gonzales explained. ''He said what kept him alive was faith and prayer and his family, knowing he was going to come back to his family.''

Vicente Ojinaga was born on January 22, 1918, in Santa Rita, NM. After graduation from high school, he worked as a carpenter in the copper mine. When his country called, on the brink of World War II, he answered that call, unequivocally and with a powerful sense of duty. With his passing, we say goodbye to a courageous veteran of the legendary New Mexican survivors of Bataan. Our Nation is forever in their debt.

As his daughter said, despite the horrendous circumstances of his captivity, Mr. Ojinaga held on to his faith and held on to his hope that someday he would return home, that someday he would see his family again. By the war's end, his body bore the weight of his suffering. When he was finally released, he weighed only 95 pounds.

Like so many of the Bataan survivors, Mr. Ojinaga served his country at war but also in peacetime. He married Celia Presciado and together they raised five children. He and his wife purchased a home, with the help of the GI bill, in the Casa Solana subdivision of Santa Fe. They would live there together for over half a century. Mr. Ojinaga graduated from the University of New Mexico in 1950 with a degree in business administration. He worked for the Internal Revenue Service and then for the New Mexico Bureau of Revenue until his retirement in 1978.

His daughter recalled to the New Mexican that after his retirement Mr. Ojinaga was busy with his family and with community service. He was a Little League coach, volunteered to provide tax counseling to the elderly, was president of the Guadalupe Credit Union, and served as a Eucharistic minister at Our Lady of Guadalupe Church. Mr. Ojinaga was blessed with a long and eventful life, and he dedicated his life to his country, to his family, and to his community.

Our Nation has lost a brave soldier. We extend to the family our deepest sympathy and our enduring gratitude for his service.●

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3204. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARKEY:

S. 1639. A bill to amend the FAA Modernization and Reform Act of 2012 to provide guidance and limitations regarding the integration of unmanned aircraft systems into United States airspace, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HELLER:

S. 1640. A bill to facilitate planning, permitting, administration, implementation, and monitoring of pinyon-juniper dominated landscape restoration projects within Lincoln County, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself, Mr. MANCHIN, Mr. CARDIN, and Ms. MIKULSKI):

S. 1641. A bill to establish the Appalachian Forest National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU (for herself and Mr. MANCHIN):

S. 1642. A bill to permit the continuation of certain health plans; to the Committee on Finance.

By Mr. CARDIN (for himself and Mr. INHOFE):

S. 1643. A bill to amend title 38, United States Code, to provide for a two-year extension of the Veterans' Advisory Committee on Education; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER:

S. Res. 285. A resolution authorizing the Committee on Rules and Administration to prepare a revised edition of the Standing Rules of the Senate as a Senate document; considered and agreed to.

ADDITIONAL COSPONSORS

S. 264

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 264, a bill to expand access to community mental health centers and improve the quality of mental health care for all Americans.

S. 381

At the request of Mr. BROWN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 381, a bill to award a Congressional Gold Medal to the World War II members of the ''Doolittle Tokyo Raiders'', for outstanding heroism, valor, skill, and service to the United States in conducting the bombings of Tokyo.

S. 526

At the request of Mr. BAUCUS, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions, and for other purposes.

S. 567

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 567, a bill to improve the retirement of American families by strengthening Social Security.

S. 635

At the request of Mr. BROWN, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 635, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 658

At the request of Mrs. GILLIBRAND, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 658, a bill to amend titles 10 and 32, United States Code, to enhance capabilities to prepare for and respond to cyber emergencies, and for other purposes.

S. 769

At the request of Mr. DURBIN, the name of the Senator from Washington

(Ms. CANTWELL) was added as a cosponsor of S. 769, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 809

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 809, a bill to amend the Federal Food, Drug, and Cosmetic Act to require that genetically engineered food and foods that contain genetically engineered ingredients be labeled accordingly.

S. 815

At the request of Mr. MERKLEY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 815, a bill to prohibit the employment discrimination on the basis of sexual orientation or gender identity.

S. 886

At the request of Mr. LEE, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 886, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

S. 1023

At the request of Mr. CORKER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1023, a bill to direct the Secretary of Commerce, in coordination with the heads of other relevant Federal departments and agencies, to conduct an interagency review of and report on ways to increase the competitiveness of the United States in attracting foreign investment.

S. 1118

At the request of Mr. WYDEN, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1118, a bill to amend part E of title IV of the Social Security Act to better enable State child welfare agencies to prevent sex trafficking of children and serve the needs of children who are victims of sex trafficking, and for other purposes.

S. 1155

At the request of Mr. TESTER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1155, a bill to provide for advance appropriations for certain information technology accounts of the Department of Veterans Affairs, to include mental health professionals in training programs of the Department, and for other purposes.

S. 1158

At the request of Mr. WARNER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1158, a bill to require the Secretary of the Treasury to mint coins commemorating the 100th anniversary of the establishment of the National Park Service, and for other purposes.

S. 1188

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1188, a bill to amend the Internal Revenue Code of 1986 to modify the definition of full-time employee for purposes of the individual mandate in the Patient Protection and Affordable Care Act.

S. 1226

At the request of Mr. BROWN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1226, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

S. 1258

At the request of Mr. JOHNSON of Wisconsin, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1258, a bill to authorize and request the President to award the Medal of Honor posthumously to First Lieutenant Alonzo H. Cushing for acts of valor during the Civil War.

S. 1302

At the request of Mr. HARKIN, the names of the Senator from North Dakota (Ms. HEITKAMP) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1318

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1318, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care, to amend title XVIII of such Act to modify the requirements for diabetic shoes to be included under Medicare, and for other purposes.

S. 1416

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1416, a bill to protect miners from pneumoconiosis (commonly known as black lung disease), and for other purposes.

S. 1446

At the request of Mr. ROCKEFELLER, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to improve the affordability of the health care tax credit, and for other purposes.

S. 1456

At the request of Ms. AYOTTE, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 1456, a bill to award the Congressional Gold Medal to Shimon Peres.

S. 1505

At the request of Mr. THUNE, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. 1505, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from definition under that Act.

S. 1557

At the request of Mr. CASEY, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1557, a bill to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

S. 1562

At the request of Mr. SANDERS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1562, a bill to reauthorize the Older Americans Act of 1965, and for other purposes.

S. 1575

At the request of Mr. BEGICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1575, a bill to correct inconsistencies in the definitions relating to Native Americans in the Patient Protection and Affordable Care Act.

S. 1581

At the request of Mr. SANDERS, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1581, a bill to authorize the Secretary of Veterans Affairs to provide counseling and treatment for sexual trauma to members of the Armed Forces, to require the Secretary to screen veterans for domestic abuse, to require the Secretary to submit reports on military sexual trauma and domestic abuse, and for other purposes.

S. 1586

At the request of Mr. SANDERS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1586, a bill to amend title 38, United States Code, to improve dental health care for veterans, and for other purposes.

S. 1610

At the request of Mr. MENENDEZ, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1610, a bill to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and for other purposes.

S. 1614

At the request of Ms. KLOBUCHAR, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1614, a bill to require Certificates of Citizenship and other Federal

documents to reflect name and date of birth determinations made by a State court and for other purposes.

S. 1617

At the request of Mr. JOHNSON of Wisconsin, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from North Carolina (Mr. BURR), the Senator from Indiana (Mr. COATS), the Senator from Nevada (Mr. HELLER), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1617, a bill to amend the Patient Protection and Affordable Care Act to ensure that individuals can keep their health insurance coverage.

S. 1622

At the request of Ms. HEITKAMP, the names of the Senator from Alaska (Mr. BEGICH), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1622, a bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

S. 1630

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1630, a bill to prohibit the conditioning of any permit, lease, or other use agreement on the transfer, relinquishment, or other impairment of any water right to the United States by the Secretaries of the Interior and Agriculture.

S. 1632

At the request of Mr. WICKER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1632, a bill to protect 10th Amendment rights by providing special standing for State government officials to challenge proposed regulations, and for other purposes.

S. 1635

At the request of Mr. CASEY, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. LEAHY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1635, a bill to amend the American Recovery and Reinvestment Act of 2009 to extend the period during which supplemental nutrition assistance program benefits are temporarily increased.

S. RES. 269

At the request of Mr. RUBIO, the names of the Senator from Texas (Mr. CORNYN), the Senator from Illinois (Mr. KIRK), the Senator from Missouri (Mr. BLUNT), the Senator from Louisiana (Mr. VITTER), the Senator from Kansas (Mr. ROBERTS), the Senator from Utah (Mr. HATCH), the Senator from Wyoming (Mr. ENZI), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. Res. 269, a resolution expressing the sense of the Senate on United States policy regarding possession of enrichment and reprocessing capabilities by the Islamic Republic of Iran.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself and Mr. MANCHIN):

S. 1642. A bill to permit the continuation of certain health plans; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, I wish to speak about a bill I plan to introduce in a few moments, and hopefully we will have a chance or an opportunity in the future to debate it because it is a very important fix, if you will, to the Affordable Care Act.

We debated this bill for literally years—months in committee for hours and hours, in daylight and during the evening sessions. There were hundreds of amendments. This bill was built with Democratic input and support and Republican input. The Republicans did not vote for the bill, but they most certainly had a tremendous amount of impact in the amendment process.

Building a new health care system for this Nation has been very difficult, but it holds a great deal of promise. The Affordable Care Act—and the easiest way to explain it—was somewhere between what some people on the left wanted, which was a government-run system, something like Medicare for all—it is appealing, but it is very expensive. We couldn't figure out a cost-effective way to provide that. Members on the right, the more conservative-leaning in this body, wanted to provide savings accounts. This works beautifully for people who have money to save in the account, but people who live paycheck to paycheck and have no money to save would never get any account to be able to provide for their health insurance.

Between those two bookends, we debated for a long time about how to provide a market-based approach to insurance. No nation in the world has attempted this. This is a big effort, but it is an important effort because we are a developed nation. We need to have a healthy workforce. It is about as simple as that. We can't be No. 1 in the world and we can't be the strongest economic power in the world if our people are sick and weak. It is as simple as that. We can't be the strongest economic power in the world if our health care system is sapping so much money out of our economic power—19 percent of the GDP, when Japan is 8 percent. We can't expect to beat Japan in economics if we are paying almost twice as much for health care and getting less results.

We had to change. We did, and we built a market-based approach, contrary to what all of the opponents of the Affordable Care Act say. We built a market-based approach that basically said that if people are over 65, they will be on Medicare. We are continuing to reform and strengthen Medicare. There are some very good parts of it, and then there are some weaker parts or difficult parts that need to be corrected. Over time we will continue to streamline, save money, provide better service, more choice, et cetera.

People who are among the poorest members of our country—133 percent of poverty, which is an income of about $15,000 or less—potentially may not be able to find a good-paying full-time job or perhaps didn't receive the education others received, perhaps have some disability, they would go on Medicaid. Then everyone in between the lowest income and under the age of 65 is in a private health care system, which is a market-based system, with competition driving prices down.

The idea would be that there would be 20, 30, 40 health care plans offered in every State. People could choose what they want with a minimum bronze, silver, or gold plan with many choices. That is the promise; that is the hope; that is the idea. The great promise of this is that if someone has cancer, they can't be dropped. If they have diabetes, they can't be turned away. Everyone is covered, the risk is spread, the price comes down, and the free market operates. We would never know that based upon the criticism we hear on television and radio all day long, but this is the truth.

One of the important components of that bill that many of us talked about was the fact that if someone had individual insurance on the market, they could keep it. What is happening now, unfortunately, because of the grandfather provision in the Affordable Care Act, in my view—this may not be shared by everyone on the floor—it was not written as tightly as it should have been, as clearly as it should have been. The bill I am introducing today, Keeping the Affordable Care Act Promise Act, will clarify this grandfather clause in the Affordable Care Act so that it will clearly say that if a person has an insurance plan they like, if it is what they want and can afford, they can keep it. This bill, if it passes, will help anywhere from 5 to 7 million people who are getting notices in the mail every day like the one I will read into the RECORD, which was sent to someone in my State.

> Thank you for your support of Vantage Health Plan, Inc. ("Vantage") over recent years. It has been our pleasure to serve you and we hope that you have been satisfied as a Vantage member.
>
> In light of recent changes in the health insurance industry, Vantage will be discontinuing our offering of Grandfathered Individual plans, effective January 4, 2014. This discontinuance will affect your policy.
>
> Vantage is pleased to announce the availability of several new individual products in 2014:
>
> Beginning in January 2014, you will have the option to enroll into a new plan through the Health Insurance Marketplace (or the Exchange). Members enrolling into Individual plans through the Marketplace may be eligible for premium and/or cost sharing subsidies.

This is because everyone in Louisiana with a family income of up to $90,000 a year will have some sort of premium support, which will be a great help to many of our middle-class families.

Continuing:

Many of the Marketplace plans will provide you with more generous coverage than your current Grandfathered Individual plan. We invite you to visit Vantage online at www.VantageHealthPlan.com/marketplace to review our Exchange plan offerings. You may also enroll online at www.Healthcare.gov, by calling (800) 318–2596 or by contacting your agent or broker.

In addition to the Exchange plan offerings, Vantage will have several new plan offerings available outside of the Exchange for 2014. These plans are similar to your current Freedom or High Deductible plan. We will have more information on those plan options later this Fall.

This is the letter thousands of people are receiving. This letter should have never gone out. We said to people that if they have insurance they like, they can keep it. We didn't say that if they have insurance they like that doesn't meet the standards or that meets the minimum standards, they can keep it. We said and the President said over and over that if people have insurance and they like the insurance they have, they can keep it. That is my bill. That is the single focus of my bill. It is not to undermine the Affordable Care Act; it is to strengthen it and to keep our promise to the millions of Americans to whom we said if they have insurance, they can keep what they have. If they don't, there is a new marketplace where they and their families can go and choose among a variety of different plans.

Depending on their income, they may have support from their community or from the government. If someone is extremely poor, we can provide options for them through Medicaid. It is not as desirable as through private insurance, but many Governors, including some Republican Governors, are being very creative with their Medicaid plans and actually changing them into more of a private-like insurance model. There is great flexibility in how Governors who have good hearts and good intentions are using their Medicaid dollars wisely.

Having said that, having reread the grandfather clause, having looked at it very closely, I have determined that this is the best course to introduce this bill, which I will do later this evening to actually file it. Again, it has two simple directives:

No. 1, all insurance companies shall continue to offer grandfather plans that were in effect prior to a certain date.

No. 2, every insurance company that provided those grandfather plans has to explain to those policyholders how their current plan falls short of the new standard on the market and what might be available to them that is better, but they are not forced to buy it.

So I hope we can debate this. Unlike many on the other side who want to tear the act down and repeal it, to defund it—they even took the whole Federal Government hostage and the whole economy of the United States hostage because of it—or that is what they tried to do. They failed, thank goodness, and the hostages have been released. The government is back up and operating. There are some of us who are sincere about supporting the concepts of this bill, the promise of this bill, which is extraordinary and historic. We recognize there are some pieces of it that need to be fixed or tightened or tweaked to make sure it is going to work in the future as we have said.

Again, that is simply what my bill does. I am happy to introduce it. I have one cosponsor, Senator MANCHIN of West Virginia, but many others have expressed their interest in working with me, and I look forward to bringing this before the committee for full debate and hopefully to the Senate floor in some way in the near future for debate and hopefully for passage.

By Mr. CARDIN (for himself and Mr. INHOFE):

S. 1643. A bill to amend title 38, United States Code, to provide for a two-year extension of the Veterans' Advisory Committee on Education; to the Committee on Veterans' Affairs.

Mr. CARDIN. Mr. President, today I rise to introduce bipartisan legislation to reauthorize the Veterans' Advisory Committee on Education, a panel that provides much needed assistance to our Nation's veterans by advising the Secretary of Veterans Affairs on existing VA education benefit programs, new education initiatives, and long-range education planning and development. This legislation is entitled the Veterans Advisory Committee on Education Improvement Act, and I wish to thank my colleague, Senator INHOFE, for joining me in this effort.

I am proud to introduce this companion bill to House-passed legislation which was introduced by Representatives JOHN DELANEY and JIM RENACCI and 12 other Members. This bill will reauthorize the Veterans' Advisory Committee on Education through December 31, 2015, and it expands the make-up of the Committee to include post 9/11 veterans. Absent Congressional action, the Advisory Committee's authority will sunset on December 31, 2013. In addition to preserving its traditional role, our bill will require the Advisory Committee to expand its reach to include veterans who served after September 11, 2001. Currently, the Committee only provides assistance for veterans who served through the Persian Gulf War. The Committee is particularly interested in ensuring that educational opportunities are available to eligible veterans and enabling them to readjust to civilian life and become members of a highly educated and productive work force. The Committee focuses on improving the benefits provided by the GI Bill.

I believe that a true marker of our Nation's worth is our willingness to serve those who have served us. As we continue to wind down our commitments in Iraq and Afghanistan after a decade of war, we need to gear up our commitment to our veterans. This legislation will ensure that the brave men and women who serve our country in the armed services receive the most effective education and training opportunities available. I am proud of the support that organizations have provided in this effort. The Military Officers Association of America, MOAA, Students Veterans Association, SVA, Iraq and Afghanistan Veterans of America, IAVA, and Veterans of Foreign Wars, VFW, have provided invaluable insight in crafting this

I am committed to making sure that our veterans receive the services and benefits they earned, and the support they were promised and deserve. The United States is the strongest nation in the world and we owe veterans our gratitude and our respect. This legislation is just a small token of how Congress can help veterans have all the tools they need, including education and job training, to ensure an easier transition to civilian life. By making sure that post 9/11 veterans have a voice at the VA this legislation encourages more effective and efficient government.

I urge my colleagues to support this legislation.

President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Advisory Committee on Education Improvement Act of 2013''.

SEC. 2. TWO-YEAR EXTENSION OF VETERANS' ADVISORY COMMITTEE ON EDUCATION.

Section 3692 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''31,'' after ''30,''; and

(B) by striking ''and the Persian Gulf War'' and inserting ''the Persian Gulf War, and the post-9/11 operations in Iraq and Afghanistan'';

(2) in subsection (b), by inserting ''31,'' after ''30,''; and

(3) in subsection (c), by striking ''December 31, 2013'' and inserting ''December 31, 2015''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 285—AUTHORIZING THE COMMITTEE ON RULES AND ADMINISTRATION TO PREPARE A REVISED EDITION OF THE STANDING RULES OF THE SENATE AS A SENATE DOCUMENT

Mr. SCHUMER submitted the following resolution; which was considered and agreed to.:

S. RES. 285

Resolved,

SECTION 1. PRINTING THE STANDING RULES OF THE SENATE.

(a) AUTHORIZATIONS.—The Committee on Rules and Administration shall prepare a revised edition of the Standing Rules of the

Senate and such standing rules shall be printed as a Senate document.

(b) ADDITIONAL COPIES.—In addition to the usual number, 1,750 additional copies shall be printed for use by the Committee on Rules and Administration.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2010. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 287, to amend title 38, United States Code, to expand the definition of homeless veteran for purposes of benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes; which was ordered to lie on the table.

SA 2011. Mr. McCONNELL (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 815, to prohibit the employment discrimination on the basis of sexual orientation or gender identity; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2010. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 287, to amend title 38, United States Code, to expand the definition of homeless veteran for purposes of benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike line 25 and insert the following: homelessness pursuant to such partnerships.

''(f) SUNSET.—The authority of the Secretary to enter into partnerships under this section as described in subsection (a) shall expire on December 31, 2016.''.

On page 13, strike lines 3 through 18 and insert the following:

SEC. 10. EXTENSION OF AUTHORITY FOR PROGRAM OF REFERRAL AND COUNSELING SERVICES FOR VETERANS AT RISK OF HOMELESSNESS WHO ARE TRANSITIONING FROM CERTAIN INSTITUTIONS.

Section 2023 of title 38, United States Code, is amended—

(1) by striking subsection (b);

(2) in subsection (c)(1), by striking ''To the extent practicable, the program'' and inserting ''The program'';

(3) in subsection (d), by striking ''September 30, 2014'' and inserting ''September 30, 2017'';

(4) in subsection (e)(2), by striking ''provided under the demonstration program''; and

(5) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

On page 14, strike lines 2 through 14 and insert the following:

(a) TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.—Section 2031(b) of title 38, United States Code, is amended by striking ''December 31,

Beginning on page 14, strike line 24 and all that follows through page 15, line 7, and insert the following:

(f) TRAINING ENTITIES FOR PROVISION OF SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.—Section 2044(e)(3) of such title is amended by striking ''2012'' and inserting ''2014''.

On page 15, strike lines 8 through 12.

On page 16, line 7, strike ''March 31, 2018'' and insert ''August 31, 2017''.

SA 2011. Mr. McCONNELL (for himself and Mr. PAUL) submitted an amendment intended to be proposed by him to the bill S. 815, to prohibit the employment discrimination on the basis of sexual orientation or gender identity; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 18. NATIONAL RIGHT TO WORK.

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking ''except to'' and all that follows through ''authorized in section 8(a)(3)''.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking '': Provided, That'' and all that follows through ''retaining membership'';

(B) in subsection (b)—

(i) in paragraph (2), by striking ''or to discriminate'' and all that follows through ''retaining membership''; and

(ii) in paragraph (5), by striking ''covered by an agreement authorized under subsection (a)(3) of this section''; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

(c) APPLICATION OF SEVERABILITY CLAUSE.—For purposes of section 16, any reference in such section to a provision of this Act includes an amendment made by subsection (a) or (b).

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the date of enactment of this Act.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Sergio Plaza and Warren Erickson of my staff be granted floor privileges for the duration of today's session and that Katrina Rogachevsky be granted floor privileges for the duration of this week.

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

APPOINTMENT OF CONFEREES—H.R. 3080

Mr. BENNET. Mr. President, I understand the Chair is ready to announce the conferees for H.R. 3080, the water resources bill.

The Presiding Officer appointed Mrs. BOXER, Mr. BAUCUS, Mr. CARPER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. VITTER, Mr. INHOFE, and Mr. BARRASSO conferees on the part of the Senate.

CRIMINAL ANTITRUST ANTI-RETALIATION ACT OF 2013

Mr. BENNET. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 233, S. 42.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 42) to provide anti-retaliation protections for antitrust whistleblowers.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Criminal Antitrust Anti-Retaliation Act of 2013''.

SEC. 2. AMENDMENT TO ACPERA.

The Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (Public Law 108–237; 15 U.S.C. 1 note) is amended by adding after section 215 the following:

''SEC. 216. ANTI-RETALIATION PROTECTION FOR WHISTLEBLOWERS.

''(a) WHISTLEBLOWER PROTECTIONS FOR EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, AND AGENTS.—

''(1) IN GENERAL.—No employer may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against a covered individual in the terms and conditions of employment of the covered individual because—

''(A) the covered individual provided or caused to be provided to the employer or the Federal Government information relating to—

''(i) any violation of, or any act or omission the covered individual reasonably believes to be a violation of the antitrust laws; or

''(ii) any violation of, or any act or omission the covered individual reasonably believes to be a violation of another criminal law committed in conjunction with a potential violation of the antitrust laws or in conjunction with an investigation by the Department of Justice of a potential violation of the antitrust laws; or

''(B) the covered individual filed, caused to be filed, testified, participated in, or otherwise assisted an investigation or a proceeding filed or about to be filed (with any knowledge of the employer) relating to—

''(i) any violation of, or any act or omission the covered individual reasonably believes to be a violation of the antitrust laws; or

''(ii) any violation of, or any act or omission the covered individual reasonably believes to be a violation of another criminal law committed in conjunction with a potential violation of the antitrust laws or in conjunction with an investigation by the Department of Justice of a potential violation of the antitrust laws.

''(2) LIMITATION ON PROTECTIONS.—Paragraph (1) shall not apply to any covered individual if—

''(A) the covered individual planned and initiated a violation or attempted violation of the antitrust laws;

''(B) the covered individual planned and initiated a violation or attempted violation of another criminal law in conjunction with a violation or attempted violation of the antitrust laws; or

''(C) the covered individual planned and initiated an obstruction or attempted obstruction of an investigation by the Department of Justice of a violation of the antitrust laws.

''(3) DEFINITIONS.—In this section:

''(A) ANTITRUST LAWS.—The term 'antitrust laws' means section 1 or 3 of the Sherman Act (15 U.S.C. 1, 3).

''(B) COVERED INDIVIDUAL.—The term 'covered individual' means an employee, contractor, subcontractor, or agent of an employer.

''(C) EMPLOYER.—The term 'employer' means a person, or any officer, employee, contractor, subcontractor, or agent of such person.

''(D) PERSON.—The term 'person' has the same meaning as in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

''(4) RULE OF CONSTRUCTION.—The term 'violation', with respect to the antitrust laws, shall not be construed to include a civil violation of any law that is not also a criminal violation.

''(b) ENFORCEMENT ACTION.—

''(1) IN GENERAL.—A covered individual who alleges discharge or other discrimination by any employer in violation of subsection (a) may seek relief under subsection (c) by—

''(A) filing a complaint with the Secretary of Labor; or

''(B) if the Secretary has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

''(2) PROCEDURE.—

''(A) IN GENERAL.—A complaint filed with the Secretary of Labor under paragraph (1)(A) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

''(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to any individual named in the complaint and to the employer.

''(C) BURDENS OF PROOF.—A complaint filed with the Secretary of Labor under paragraph (1)(A) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

''(D) STATUTE OF LIMITATIONS.—A complaint under paragraph (1)(A) shall be filed with the Secretary of Labor not later than 180 days after the date on which the violation occurs.

''(E) CIVIL ACTIONS TO ENFORCE.—If a person fails to comply with an order or preliminary order issued by the Secretary of Labor pursuant to the procedures in section 42121(b), the Secretary of Labor or the person on whose behalf the order was issued may bring a civil action to enforce the order in the district court of the United States for the judicial district in which the violation occurred.

''(c) REMEDIES.—

''(1) IN GENERAL.—A covered individual prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the covered individual whole.

''(2) COMPENSATORY DAMAGES.—Relief for any action under paragraph (1) shall include—

''(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

''(B) the amount of back pay, with interest; and

''(C) compensation for any special damages sustained as a result of the discrimination including litigation costs, expert witness fees, and reasonable attorney's fees.

''(d) RIGHTS RETAINED BY WHISTLEBLOWERS.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law, or under any collective bargaining agreement.''.

Mr. BENNET. I ask unanimous consent the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 42), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

RECOGNIZING THE FESTIVAL OF DIWALI

Mr. BENNET. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 277, and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 277) recognizing the religious and historical significance of the festival of Diwali.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 277) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of October 30, 2013, under ''Submitted Resolutions.'')

AUTHORIZING REVISED EDITION OF THE STANDING RULES

Mr. BENNET. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 285, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 285) authorizing the Committee on Rules and Administration to prepare a revised edition of the Standing Rules of the Senate as a Senate document.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNET. Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 285) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

MEASURE READ THE FIRST TIME—H.R. 3204

Mr. BENNET. Mr. President, I understand that H.R. 3204 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 3204) to amend the Federal Food, Drug and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

Mr. BENNET. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR TUESDAY, NOVEMBER 5, 2013

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, November 5, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks the Senate resume consideration of the motion to proceed to S. 815, the Employee Non-Discrimination Act postcloture, and that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings; and finally, that all time during adjournment, recess, and morning business count postcloture on the motion to proceed to S. 815.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BENNET. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Tuesday, November 5, 2013, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 4, 2013:

THE JUDICIARY

GREGORY HOWARD WOODS, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

DEBRA M. BROWN, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI.