EMPLOYMENT NON-DISCRIMINATION ACT OF 2013

Ms. COLLINS. Madam President, I ask unanimous consent that the Senate resume consideration of S. 815 and the pending Portman amendment; that the Toomey second-degree amendment be withdrawn; that the Senate proceed to a vote on the Portman amendment; that upon disposition of the Portman amendment, the previously withdrawn Toomey amendment be made pending as a first-degree amendment to the committee-reported substitute; that a Reid second-degree amendment to the Toomey amendment, which is at the desk, be made pending; that following the reporting of the Reid second-degree amendment, the Senate resume the motion to proceed to Calendar No. 236, H.R. 3204, with all of the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Under the previous order, S. 815 is pending, and amendment No. 2013 is withdrawn.

The question is on agreeing to the amendment.

The amendment (No. 2012) was agreed to.

AMENDMENT NO. 2013

The PRESIDING OFFICER. Under the previous order, the Toomey amendment is now pending.

AMENDMENT NO. 2020 TO AMENDMENT NO. 2013

Ms. COLLINS. Madam President, I call up Reid amendment No. 2020.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. REID, proposes an amendment numbered 2020 to amendment numbered 2013.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

Ms. COLLINS. Madam President, I ask for the yeas and nays on the Reid amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

ANTIRETALIATION

Mr. LEAHY. Mr. President, I understand that an amendment was negotiated to clarify the exemption provided to religious organizations in this legislation. This is Senate amendment No. 2012.

I understand that the intent of the antiretaliation provision in the legislation is to strike a balance between providing important protections for religious organizations because of their exemption under section 6(a) of pending legislation and to ensure that this provision does not undermine in any way current or future Federal, State, or local civil rights protections, such as those protections afforded under the laws of my home State of Vermont.

The language of the antiretaliation provision states clearly that nothing in the provision can be construed ''to invalidate any other federal, state, or local law or regulation that otherwise applies to an employer'' that is found exempt under section 6(a) of ENDA. As I understand it, this means that an exemption for a religious organization under ENDA does not equate to exemption from compliance with any other Federal, State, or local civil rights requirements.

In addition, this provision bars retaliation against a religious organization on the sole basis that the organization is exempt under ENDA. Application of Federal, State, or local civil rights protections to a religious organization exempt under Section 6(a) of ENDA may only be considered retaliation under Section 6(b) if the religious organization demonstrates that the application—through monitoring, enforcement or other means—is solely due to the religious organization's exempt status under ENDA.

Based on this understanding, I would like to ask Chairman HARKIN if anything in that amendment would modify the important nondiscrimination provision in the Violence Against Women Reauthorization Act that this Congress passed with overwhelming bipartisan support earlier this year.

That provision was a critical component of the reauthorization, and I want to make sure that nothing here overrides what is currently the law of the land. I also want to make sure that States like Vermont can still enforce their own nondiscrimination laws for violations within their jurisdiction, regardless of whether an entity is exempt under the national ENDA legislation.

Mr. HARKIN. I thank the Senator for his question. He is correct, nothing in this amendment would modify the nondiscrimination provision that was included in the Violence Against Women Reauthorization Act. What this amendment does is say that you cannot retaliate against an organization for discrimination in its hiring, firing, compensation, or other terms or conditions of employment if you are an organization that qualifies for the exemption under section 702(a) of title VII of the Civil Rights Act. ENDA's religious exemption does not create new grounds for liability or penalty.

DRUG QUALITY AND SECURITY ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate resumes consideration of the motion to proceed to H.R. 3204.

The Senator from Maine.

Ms. COLLINS. That was an extremely complicated parliamentary request. Perhaps it would be helpful to my colleagues if I gave a little bit of explanation of what occurred.

The good news, in my judgment, is that the Senate has adopted by voice vote an amendment proposed by Senators PORTMAN, AYOTTE, HELLER, HATCH, and MCCAIN. I very much appreciate their willingness to work with the cosponsors and sponsors of this legislation.

Many of the sponsors of this amendment are tied up in hearings, but I expect them to be coming to the floor very shortly to debate this amendment after the fact.

I wish to explain about what the Portman, Ayotte, Heller, Hatch, and McCain amendment does. The underlying bill, ENDA, includes a pretty broad exemption for religious organizations based on current law in title VII. What the Portman, et al., amendment does is it ensures that Federal, State and local government agencies will not be able to discriminate against these exempt organizations. For example, the amendment would ensure that exempt religious organizations cannot be denied grants or contracts for which they would otherwise qualify from government agencies. It also protects them from discrimination by government agencies from participating in government-sponsored activities.

I believe this amendment improves the bill. It ensures these organizations—these religious-based organizations that are exempt under ENDA—cannot be suddenly penalized for having that exemption by being denied grants, contracts, other licenses, fees, or whatever, that they would otherwise be entitled to just solely based on the fact they are exempt under ENDA.

I want to commend Senator PORTMAN, Senator AYOTTE, Senator HELLER, Senator HATCH, and Senator MCCAIN for making sure these important protections are in place, and that if an organization has a legitimate exemption under this bill, the Federal Government or State government cannot discriminate against that organization that is legitimately claiming an exemption under ENDA.

I believe this amendment improves the bill and provides a significant protection for exempt religious organizations, and I am very pleased it was accepted by a voice vote.

I know Senator PORTMAN and Senator AYOTTE are on their way and want to speak on the amendment we just adopted.

Let me explain the second part of the very complicated parliamentary action we just took. At least I will attempt to.

What we have done is to preserve Senator TOOMEY's right to get a vote on his amendment. It is my understanding that vote will require 60 votes of the Senate in order to be approved, but it essentially guarantees he is next up. He is next in line for a vote. So his amendment will be the pending amendment.

Again, I know this was a complicated process, and I want to thank the Chair who was presiding over the Senate, as well as the floor staff on both sides of the aisle, Senator REID's staff and Senator MCCONNELL's staff, in making sure

we protected everybody's rights in this debate. I think that is very important when we are talking about a bill as significant as ENDA.

Madam President, as I said, I know some of the sponsors are on their way. But since they have yet to reach the floor, rather than filibuster the successful conclusion of the Portman amendment, I will 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. AYOTTE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. AYOTTE. Madam President, first of all, I want to thank my colleagues, and I will start by thanking my colleague, the senior Senator from Maine, Senator SUSAN COLLINS, for the important work she has been doing on the Employment Non-Discrimination Act. I also want to thank my colleagues for supporting an amendment that was brought forward recently and passed by this body, the Portman-Ayotte-Heller-Hatch-McCain amendment, to strengthen the protections within the Employment Non-Discrimination Act for religious institutions.

I firmly believe people should be judged based upon the quality of their work. Discrimination has no place in the workplace. In my home State of New Hampshire, we have a long bipartisan tradition of working to advance commonsense policies, and New Hampshire already has in place a State law preventing discrimination based on sexual orientation. I appreciate that the Employment Non-Discrimination Act is legislation that is important in terms of who we are, our values, and making sure people are only judged based on the quality of their work in the workplace. I also appreciate the legislation on the floor right now includes important protections for religious institutions.

I have long been a strong supporter of the rights of conscience, of the rights under the First Amendment of the Constitution to religious freedom, and so these protections are very important within this bill. I was pleased to work with Members on both sides of the aisle to strengthen those protections by passing an amendment that will help ensure religious organizations cannot be retaliated against for exercising their religious freedoms.

Specifically, the Portman-Ayotte amendment affirms the critical importance of protecting religious freedom in the Employment Non-Discrimination Act. It ensures that government cannot penalize a religious employer because it qualifies as exempt from nondiscrimination requirements of the Employment Non-Discrimination Act. The amendment protects religious institutions from adverse actions by the government on the basis of adhering to their religious tenets.

In practical terms, the government may not use activities protected by the religious exemption as a basis to deny a religious employer a government grant or tax-exempt status or any other benefit that may be conferred by the government.

I want to thank my colleagues for passing this amendment which will strengthen the protections for religious institutions within the Employment Non-Discrimination Act, and I thank the Chair for the opportunity to speak today.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I again want to commend the Senator from New Hampshire, Senator AYOTTE, for her excellent work on this amendment. As I indicated earlier, I think the Portman-Ayotte amendment, which is cosponsored by several other colleagues as well, provides a very important protection against retaliation for those religious organizations that are legitimately exempted under ENDA.

I also salute them for broadening the purposes section of the bill to recognize not only the need to address a widespread pattern of discrimination on the basis of sexual orientation, but also they have added a new subsection to recognize that another purpose is to help strengthen civil society and preserve institutional pluralism by providing reasonable accommodations for religious freedom. I think both of those changes strengthen the bill, and I wish to commend the Senator for her leadership on this issue.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. FEINSTEIN. Madam President, I have come to the floor to give my views on the Employment Non-Discrimination Act—better known as ENDA—because this is essentially a bill with a long history. It means a great deal to me personally because of the work I did in the city and county of San Francisco a long time ago.

Actually, nearly 40 years ago, in 1978, I was in my third term as president of the board of supervisors when an ordinance to prohibit discrimination in both housing and employment on the basis of sexual orientation was actually passed by the board. I think it was a vote of 10 to 1. I introduced the legislation in my first few years as president of the board, and it was the first such legislation introduced in a major city anywhere in the United States. It was difficult to pass. There was a long debate. I look back on the press and it was a 2-hour debate, but it did pass back in 1978.

It is true that I at the time had some concerns. So I have watched the legislation implemented over the last four decades. It has protected people's jobs and livelihoods from unfair treatment. It has been good for people and for business. I had some concerns. Would there be a lot of objections?

Actually, in the time I was a supervisor and in the 9 years I was mayor, there were no objections. All of a sudden the city really came to see what equality meant. I knew then, and I know now, this legislation is the right thing to do, and it is not going to result in inappropriate behavior in the workplace or any of the other hobgoblins that the legislation's opponents raise.

In 1996, ENDA came to this floor. An up-or-down vote on this bill was negotiated the same day the Defense of Marriage Act—or what we call DOMA—would have such a vote. These votes happened on September 10, 1996. The defense of marriage bill passed. I was one of 14 Senators to oppose it, 85 of my colleagues supported it, and President Clinton signed it into law. As we all know now, what it essentially did was say that any gay couple that was legally married could not access more than 1,100 Federal rights that were accorded to married couples. Now some 14 States have legalized gay marriage, and just recently it looks like Illinois is on its way to doing the same.

ENDA failed by a single vote back then. That was a vote of 49 to 50. Today things are very different, but there is still a long way to go. In an historic decision in June, the Supreme Court struck down the core piece of the Defense of Marriage Act. But DOMA is not yet fully repealed, and repealing it remains necessary. So, in my view, the Defense of Marriage Act must and will be one day repealed once and for all. Although such legislation as ENDA has been adopted in numerous States, there is still no Federal end to discrimination. That means that most gay, lesbian, and transgender individuals are without critical protections against employment discrimination. In fact, most people, over 56 percent of the population, live in the 29 States that have not enacted employment protections for gays and lesbians. Over 66 percent of people live in the 34 States that have not enacted such protections for transgender individuals.

There is no question, discrimination in the workplace against these groups remains a big problem. Let me give just a few examples. There is the case of Mia Macy, a case in which the Justice Department found that Ms. Macy's transgender status played an impermissible role in the hiring process. She had, for 12 years, been a police detective in Phoenix, AZ. She was a veteran. She applied for an open position in an ATF ballistics lab to do ballistics imagery work that she was certified to do. She was told she could have the position, subject to a background check.

Then Macy revealed her transgender status to the government contractor staffing these positions. Her background check was ordered stopped by ATF soon thereafter. She received an email stating the position was no longer available because of funding cuts, even though there was no evidence that was the case.

It turns out that the number of positions available had hastily been cut from two to one, and the person hired for that one position lacked much of the experience Macy had.

Macy was, according to DOJ's decision, ''very likely better qualified'' than the individual actually hired for that position. So this is wrong. Ballistics matching can be the difference between a shooter in jail and a shooter, who might kill again, walking the streets of our neighborhoods. The person who was actually hired should be the person who can do the best job, period, regardless of whether the person is gay, straight, or transgender.

Another case involves a police officer from the city of St. Cloud, MN. According to a court opinion, the officer was an ''excellent'' officer. He was consistently awarded marks as ''excellent'' or ''competent'' on his performance reports. The officer got ''letters of recognition and commendation for his accomplishments, including his work on the Community Crime Impact Team, his work against drunk driving, his performance in apprehending a sexual assault suspect, and for his work in recovering a stolen vehicle.''

Then he came out as gay. After that, according to the officer, he almost immediately ''was subject to increased scrutiny, increased disciplinary measures, excessively thorough documentation and surreptitiously recorded interventions'' as well as ''multiple internal investigations'' and removal from assignments.

The Federal court found that ''the almost immediate shift'' in the treatment of this officer ''supports an inference of unlawful discrimination'' under the equal protection clause of the Constitution, which applies to State and local agencies. But if a private employer had discriminated like this, there likely would have been no Federal protection.

In a case out of Oregon, an individual who ran a production line for battery separators was subjected to harassment on the job. He was called ''Tinker-bell'' and ''a worthless queer.'' He was described using other phrases that I simply will not say on the Senate floor because they are graphic and beyond the pale. I think they would shock many of our colleagues on both sides of the aisle. This harassment occurred on a daily basis, sometimes in the presence of a supervisor. Then, 2 days after reporting the harassment to human resources, the individual was fired. In this case, the Federal court found the evidence credible enough to warrant a trial under Oregon law.

Sometimes discrimination is not as clear as it is in these cases. I am going to quote from a 93-year-old constituent of mine who called my office urging full support for this bill. This is what he said:

> I don't usually take the time to call my Senator but this is important to me. I've lived in San Francisco almost my whole life, and at 93 years old I have seen a lot. Even in a liberal State like California, as a gay man I never felt equal to my colleagues.

This is a quote.

> I used to work at a bank, and I kept working until I was 79, to earn my retirement. I was afraid to bring my husband to company parties, and I never wanted to seem too flamboyant to my supervisors. It seems so ridiculous when I think back on it, but people don't understand that this kind of discrimination is subtle.
>
> It broke my heart when I watched the Senate fall one vote shy of passing ENDA back in the nineties. I hope the Senator remembers what it used to be like, and fights to pass ENDA today.

I do remember, and I do know that this bill will help stop discrimination in the workplace. The bill is simple. It says a person cannot be denied employment because of who that person is: Gay, straight or transgender. The bill provides no special privilege—no special privilege. It creates no quota. It creates no exemption from the codes of conduct or anything else. It does not allow inappropriate conduct in the workplace. In fact, the bill is narrower than title VII protections in certain respects. In my view, the bill does provide critical employment protections, and it is long past the time that it be signed into law.

Three years ago we recognized that a person's merit, not sexual orientation, is what matters for service in the military. The point is no different in this bill. If a person wants to be a ballistics expert, a police officer, a firefighter, a bank teller, a lawyer, a factory worker or anything else, the question should simply be, can the person do the job.

People have families, they have spouses, and they have children. They need to put food on the table. They have college expenses for their children, student loans to pay, and unforeseen medical expenses. They may have elderly parents that they care for and who need their assistance. All of this requires a job.

Should a person be denied that basic aspect of life, should a person's spouse or children or parents be hurt, simply because that person is gay or straight or transgender? For me the answer is simple; it is no.

That person should not engage in any conduct that would be unseemly for one of a heterosexual couple. The conduct rules are also important. If this legislation is enacted, which I hope very much will happen, that will be the law of the land, and it will be long overdue.

I wanted to come to the floor and indicate some of the past and go back to 35 years ago when the first employment bill that would prohibit discrimination of this type was enacted. I am very proud to have introduced it, and to have been a vote for it on the board of supervisors in San Francisco.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, I rise today to thank my colleagues for their support earlier today of an amendment that I offered strengthening the protections for religious liberty in the ENDA legislation, the Employment Non-Discrimination Act. This amendment was cosponsored by Senators AYOTTE, HELLER, HATCH, and MCCAIN. I thank Senator COLLINS for the key role she played in its passage.

I firmly believe that no one should be subject to unjust discrimination, so I support the basic premise of ENDA, which is that people should be judged by their experience, their qualifications, and their job performance, not by their sexual orientation. The bottom line is people should not be able to be fired just because they are gay.

I believe the legislation currently before this body will help create that level playing field and ensure employment opportunities for all. But it does not mean it is a perfect bill. It should be improved and my amendment seeks to ensure that this legislation, designed to promote tolerance of one kind, doesn't enshrine intolerance of another kind.

Religious liberty is an important part of the Employment Non-Discrimination Act already. The underlying bill includes a significant exemption for religious employers. But we have to be certain that in pursuit of enforcing nondiscrimination, those religious employers are not subject to a different kind of discrimination that would be government retaliation. My amendment seeks to ensure the government cannot penalize a religious employer because it qualifies as exempt from the nondiscrimination requirements of ENDA. It protects a church or religious charity or religious school from adverse action by the government on the basis of adhering to its religious tenets, in a manner that would otherwise be unlawful under ENDA. In practical terms, this means the government cannot use activities protected by ENDA's religious exemption as a basis to deny religious employers government grants, contracts, their tax-exempt status, or other benefit.

My amendment prohibits the government from punishing a religious institution for adhering to its deeply held beliefs and thereby seeks to keep the State from intervening in matters of faith.

It does something else important too. The underlying bill specifies certain broad purposes related to addressing employment discrimination. My amendment adds to this introductory section an explicit reference to the fundamental right of religious freedom. It establishes as a basic purpose of ENDA that workplace fairness must be balanced against and made consistent with religious liberty. I believe the

principles of religious liberty and nondiscrimination go hand-in-hand. When we think about nondiscrimination, many of us think about the great civil rights movements of the 20th century, but as we know the fight for tolerance goes back further than that, really to the very foundation of our Republic.

On my mom's side, some of my ancestors were Quakers. They came to this country as so many before them in search of religious freedom. At first that was something hard to find in this country. When they arrived, members of this new sect were often persecuted. Their views and practices were judged to be unorthodox, even strange. Sometimes they were imprisoned. Their books were burned. Some of the colonies did not want them inside their borders.

They knew a little bit about religious freedom, and they certainly knew something about discrimination. It was their experience and the experience of so many other groups of different faiths that made freedom of conscience a cornerstone of our founding documents. The First Amendment begins, ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.''

Religious freedom, therefore, is our first freedom and the amendment that protects it is really our first nondiscrimination law. Any law we pass which seeks to prevent discrimination will not succeed if it does not at the same time protect religious liberty.

The religious liberty protections in ENDA are not perfect. My amendment makes them better, and that is why I appreciate my colleagues giving this amendment the support it deserves.

I am looking forward to the passage of this legislation with this amendment and, again, I appreciate the work of the Senator from Maine and others.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I rise to commend the Senator from Ohio for bringing forth this very worthwhile initiative, which the Senate passed without dissent just about an hour or so ago. His amendment is a very important amendment. What it simply says is that if an organization is exempt from ENDA for religious reasons, then government cannot turn around and somehow retaliate against this employer based on his claiming or her claiming a legitimate religious exemption as provided by ENDA. That means that if the business or organization is entitled to compete for certain grants or contracts from the Federal, State or local government, that there cannot be this subtle discrimination against the employer for claiming the religious exemption, legitimately conferred, upon the business under ENDA.

I think that is really important. We do not want retaliation or discrimination or unfair treatment on either side. I commend Senator PORTMAN for coming forward with this amendment. I believe that it is consistent with the bill and that it strengthens the bill.

I congratulate him for his initiative. It has been a pleasure to work with him, Senator AYOTTE, and other Members of the Senate in support of this initiative.

OBAMACARE

Ms. AYOTTE. Madam President, I rise to talk about the impact ObamaCare is having on the people of my State, the State of New Hampshire. It has been over 1 month since the health care exchanges opened, and in that short time we have already seen so many problems with ObamaCare. Frankly, it is a mess.

The failure of healthcare.gov is a travesty that has revealed deeply troubling incompetence in terms of implementing a Web site that people can use and have access to and is secure and protects their private information. Frankly, we are in a position where the Web site is merely the canary in the coal mine. The flaws in this law are much deeper than the Web site.

Even former supporters of ObamaCare are telling me it is not working. I am hearing from my constituents about this, and frankly I feel very badly for them because so much of what is happening to them is as a result of how the law was drafted years ago.

For example, I heard from Maryanne in Lisbon, NH. She said:

> We hope this would be a solution. But instead it will be more of a financial drain.

The American people are the ones who are paying the price right now. They are getting cancellation notices, seeing their premiums go up, and losing their doctors.

Workers are suffering. Many of them have seen their hours cut to 29 hours because of an arbitrary mandate defining full-time workers as those who work 30 hours a week. Others are fearful they will lose their employer-sponsored coverage altogether. Business owners remain reluctant to expand—worried they will trigger the looming penalties from ObamaCare.

Most tragically, we now know that the law was sold to the American people under false pretenses. The President said: ''If you like your insurance plan, you will keep it.''

In fact, yesterday we checked the Web site and that claim is still on there. I am hearing every day from New Hampshire residents who are telling me they are seeing their health insurance policies canceled. In fact, in the newspaper this morning there was a headline in New Hampshire that announced that about 22,000 individuals will see coverage canceled at the end of the year.

Granite Staters have been writing to me. I wish to share their concerns with the entire country because I know this is not just happening to people in New Hampshire, but these are the real people who are being affected by ObamaCare.

Lynn in Greenland wrote:

> The President was wrong. I can't keep my coverage if I like it and I can't keep my preferred hospital and his plans are the ones that are subpar . . . it's bringing me to tears on a daily basis. Please help.

Edward in Marlow is self-employed. I feel so badly when I receive letters such as this. He has a rare disease and a high-deductible plan. He wrote:

> I received a notice from Anthem last week that they will be canceling this policy. Is this what President Obama meant when he said no one who currently has their own policy and likes it will lose it. . . . I am devastated that I will now have to go out and secure another policy somewhere which could cost me significantly more.

Jennifer in Canaan wrote:

> I received a letter from Anthem Blue Cross stating that my current health insurance plan was being discontinued because it did not conform to the law under the Affordable Care Act. In other words, the plan I was promised I could keep was made illegal by Washington politicians.

Michael in Atkinson said:

> Kelly, we have been told this would expand options. The fact is we are now being told what we can and what we cannot do and where we can go. To say that I am upset would not begin to describe how I feel.

Richard in Alton Bay said:

> I am a small business owner in New Hampshire and have been with my health insurance provider for over 10 years. I was recently informed that the policy I have had for all of these years (and I like quite a bit) will be canceled due to the provisions in Obamacare. When I contacted the company, they said they are planning to transition me into a plan that costs more and offers substantially less benefits and protection than my original plan. . . . I am outraged at this. . . .

Jamie in Littleton wrote:

> Today we received a letter from Anthem Blue Cross stating my husband's individual health care plan, which he's had for 15 years, will be changing to conform to ACA laws and will no longer be in effect come September 1, 2014.

Louis in Sunapee wrote:

> What just happened? I received a cancellation notice from my insurance company . . . and the coverage I am eligible for is MORE expensive? Help me!

President Obama has made the promise that ''if you like your doctor, you will be able to keep your doctor, period.''

For those who are seeing their plans canceled, we know that is simply not the case. There is another issue that New Hampshire is facing, and that is a matter of choice in keeping not only the doctor you want to keep but also going to the hospital you want to go to. In New Hampshire, there is only one insurer who is going to participate on the exchanges at this point, and to keep costs down, the insurer has decided to limit its network, so 10 of our 26 acute care hospitals are not part of the exchange and are excluded.

For example, the capital of New Hampshire is Concord. One of the hospitals that has been excluded is Concord Hospital. I worked in Concord for years. Concord Hospital is going to be excluded. All the people in that area

who rely on that hospital and had their children and treatments there will now be excluded if they are on the exchanges. This is a real impact on people's lives, and I feel very badly for my constituents.

A doctor in Peterborough said he was once a supporter of ObamaCare. He described the consequences simply. In a letter to me he said his patients have one of three terrible options now, and that is because the hospital in his area has been excluded from the exchange.

First, they can switch doctors and drive a considerable distance to a hospital that Anthem does include in the exchange; two, they can purchase insurance outside of the exchange at considerably higher rates than they could this year; or, three, they can stick with their current doctor, risk having no insurance and pay the government a penalty for being uninsured.

With the hospital he is associated with excluded from the exchange, he said, it is the ''Less Affordable Care Act'' for his patients. This doctor gave me a troubling practical effect of what his hospital being left out would mean for his patients.

He used this example:

Consider the pregnant woman who has delivered all of her current children at our hospital. She is now expecting in February. She must now either drive our twisty New England roads, in the dead of Winter, to a hospital 55 minutes from her home to deliver her baby, or pay considerably higher insurance premiums to stay where she is comfortable and safe.

He is one of numerous citizens across New Hampshire who has expressed similar concerns about local hospitals being excluded from the exchange. I wish to share some of the other concerns that have been written from my constituents.

Vicki in Seabrook wrote:

The list of doctors and medical facilities that will take my insurance is limited and my Massachusetts doctors are not on the list. . . . The one closest to me, Portsmouth Hospital, is not on the list.

Kathleen in New Castle wrote:

The exchange choice will not allow me to use my docs, including primary care who is affiliated with the Portsmouth Hospital. All oncology physicians are located in Boston, not covered.

Margaret in Strafford currently goes to Frisbie Memorial in Rochester, which is not part of the exchange.

She explained the impact in this way:

I would no longer be able to go to Frisbie Memorial Hospital, which is four miles away. I could no longer see the gynecologist whom I trust. I could no longer use the surgeon who saved my life when emergency surgery was required. I could no longer visit the same internist. If I were to develop heart problems, I could no longer go to Portsmouth Regional Hospital.

Gregory in Rochester said his primary care physician is at Frisbie. He said that means he will have to go to another hospital, he said, ''I do not know and does not know my health condition.''

Robert in Strafford said he has gone to Frisbie for 40 years. He wrote:

I've had multiple different insurance companies but have always been able to keep the same doctors. Now because of ObamaCare, Frisbie is out of the loop. This is totally unfair to all the people who live in the area. What gives?

Teresa in Peterborough said that none of her current physicians, including her primary care physician and her OB/GYN, are in the exchange. She wrote:

The nearest providers in this network are 45 minutes west, 60 minutes east or 90 minutes north. This will be very costly to me in terms of time taken off to attend appointments at these distant offices/hospitals. And since I am self-employed, a day off to go to the doctor is one day without income.

A single mother also from Peterborough wrote:

If my 17-year-old son does get sick this winter, I will be required to take a minimum of ½ day off to bring my son to Keene or Manchester to find a primary care physician who will accept the insurance through affordable care (not that I can even afford that route).

I am also hearing heart-wrenching stories from New Hampshire citizens about how their premiums are going up. As you know, when this law was being sold, it was sold as premiums going down, but that is not what I am hearing from my constituents.

Christopher in Rindge wrote:

My insurance is going to double on January 1, 2014. Even the options that conform to the health act are double the amount I am paying today. It doesn't make any sense that my insurance would go up by double when this is called ''affordable'' health care.

Rick in Pembroke wrote:

Last year, the sum total of my family's health care cost $2,300. . . . I have been looking at health insurance for my family. The lowest insurance will cost $566.40 per month. The family deductible will be $11,500. Even if I spend the same as last year on actual health care, I will have to pay an additional $6,800. This isn't fair and it isn't affordable. I don't know many people who can budget for an additional $6,800 a year.

Brendan in Sanbornton said:

I am self-employed and my wife and I pay for our health insurance through Anthem that provides coverage for us and our 15 month old daughter. Presently, we pay about $580 per month for a major deductible plan with a total family deductible of $7,500. A couple of weeks ago, we received a letter from Anthem informing us that our ''old'' policies don't meet the requirements of the new ACA and therefore, we were going to be canceled. When researching new options on Anthem's Web site, we found that our deductible was now going to be $12,000 per year at an increased cost of about $150 per month! We feel as though the country has been misled about being able to 'keep their current coverage.'

Holly in Charleston wrote me:

I buy an individual policy to cover myself, but my policy went up 25 percent on October 1st and one of the reasons stated in the letter I received from Blue Cross was to cover the implementation of ACA. As a result, I dropped down to a less expensive plan and guess what? I got a letter telling me I was okay until 2014 when that plan will no longer be available because it doesn't comply with the new rules and regs.

I heard from Patty in New Ipswich and she said that after her insurance company told her to find a plan, she signed up for the least expensive bronze plan available. She says:

Still not only will my premium be $75 a month higher for a total of just under $600 per month for me, but in addition to that, I have a $5,400 annual deductible. Also, the prescription plan that Mr. Obama and Mrs. Pelosi mandated also has a $5,400 deductible, so effectively that is not a prescription plan at all. In fact, this plan is basically a very expensive catastrophic plan and nothing more. It is not affordable and I am disgusted.

Barbara in Merrimack and her husband don't yet qualify for Medicare. Their existing plan is being phased out, so she checked the exchange. She wrote:

The product that was closest to what we currently have is Silver and is just too expensive. The cheapest coverage we could find is in the Bronze category and will cost $1,228.32 per month and will have a deductible of $5,950/individual and $11,900/family. That means that all basic services and medications will be out of pocket. Medications will be covered at 40 percent of the copay. $1,228.32 equals $14,739.84 per year and it is more than my mortgage!. . . . Unlike the government, I can't raise my debt ceiling.

Anita in Sutton wrote:

What was supposed to help people like my husband and I who are self-employed—and he has a chronic illness—only hurts us. Our premium went up $2,287.70 per month and this is now with a $4,000 single/$8,000 family deductible . . . nothing like a 30 percent increase for one year . . . Having to hoist yourself up each day and go to work and try to carry on is hard enough with this chronic illness, now we have to pick and choose what bills we can afford to pay . . .

Jane in Troy said she tried to enroll her son in the Federal program, and this is what she wrote to me:

The quote was $600 a month! Do you know of any 20 year old who can afford $600 a month?

Tim in Merrimack wrote me:

Contrary to the original intent of the Affordable Care Act, individuals who obtain insurance on their own are paying radically escalating costs based on individual coverage for a healthy, non-smoking 51-year old male available for January 1, 2014, on the healthcare exchange in NH, the results are as follows: Premium—25 percent increase from $4,200 to $5,300. Deductible—20 percent increase from $5,000 to $6,000. 82 percent increase in less than 2 years—$2,900 in June of 2012 to $5,300 in January 2014.

Then I heard from Erik in Hancock. He said he has seen a 46-percent premium hike. He wrote to me:

What has been done to our health care system? This is the Unaffordable Care Act.

In some cases, the cost of insurance is rising because plans must include coverage for services that consumers don't want based on their individual situation or don't need based on their individual situation. For example, Jeff in Hudson says that his premiums will go up nearly 40 percent because of ObamaCare. He said:

It seems that some of the cost drivers are for coverages which my wife and I do not need or want, but are required to have due to the law. For instance, we must have maternity coverage even though we do not plan

on having more children. (We are in our early 50s.) We must have pediatric dental insurance, even though we have no children under the age of 18.

Doug in Bedford wrote me:

The maternity issue is a trap for seniors.

Carol in Newport wrote:

Can anyone please explain to me why at 60 years of age I need an insurance plan that requires maternity provisions? Can anyone explain to me why I would be required to pay for pediatric standalone dental when I have no children? Since this is mandated by the government, why would I have to pay an insurer fee, exchange fee, and reinsurance fee?

She said the most affordable plan she has seen has been $504.15 a month—which she can't afford—and a $6,350 out-of-pocket deductible. Carol asks:

If I cannot afford the premium, how can I afford the deductible?

Others I have heard from are worried that their employers will drop their coverage, finding it cheaper to pay the fine than to provide coverage for their workers.

Benjamin in Greenville wrote:

My portion, currently about $5,000 a year will jump to $20,000+ per year to maintain my current coverage. I make ''too much'' money to be subsidized. Tell me senator, where do I find $15,000 a year, $1,250 a month, $288 a week in my already tight budget?

He wrote me:

No more vacations. No more dance lessons for my kids. No more family date night once a month. No more Christmas presents.

Another theme I have heard in the letters I have received from my constituents is a feeling that those in the middle are being squeezed the most.

Donna in Newport wrote:

My employer is now canceling the company sponsored health plan as of January 2014, which costs me $2,288 per year. In shopping for a new plan, I am seeing the possibility of a $22 subsidy to help me with a monthly cost of $400, an increase in my health care costs I cannot afford. I am the middle class, a tax paying and proud American that did not ask for this Act and now suffering because of it.

Cheryl in Acworth wrote:

Not only do I have to pay twice the premium, but it will be post-tax—a double hit. If I was poor, I would be okay or if I worked for a large employer I would be okay but for those of us trying to make a good living and be responsible productive citizens, we end up carrying this . . . This is not the American dream at all.

Joseph in Salem wrote to me:

On September 30th I received a letter from Anthem informing me that my new payment to keep my current plan which I have had for over 8 years will increase $212.47 on January 1st. That is a $2,548.80 increase for 2014. This is what ObamaCare is doing to the middle class.

Roberta in Nashua is like many of my constituents pleading for help. She wrote:

Please hear my plea and see what you can do to allow people like me and my husband to keep our care and not be forced into purchasing exchange insurance which is so costly and will be a financial hardship for us. IT IS NOT AFFORDABLE!

In addition to canceled policies, patients losing their doctors, and higher premiums, I have also heard about another aspect and consequence of ObamaCare from people who are working hard, trying to make ends meet, and those are workers who are seeing their hours cut. Under the law, employers must provide coverage for employees who work 30 hours or more per week. Many of these employers, not surprisingly, have decided to reduce hours rather than comply with this new mandate. So this is what my constituents are writing me about—these hard-working people trying to make a living.

I heard from an EMT from the Monadnock region who wrote to me and said:

My employer notified the 75 of us who work there that effective January 1st, our hours will be cut due to ObamaCare. So our incomes will drop and make it harder for us to buy our own insurance.

An educator from the Upper Valley wrote:

Our school district and surrounding ones are cutting back para-professional jobs to 29 hours. Many of these people were full time. Instead they hired several part-time people to cover the once full-time positions . . . Now they are no longer entitled to any benefits. Many of these individuals have worked 15 or more years with a school district as full-timers.

I have heard from business owners as well. They have told me that the looming mandates in the law are causing them to think about eliminating coverage for their employees even though they don't want to do it. They want to do what is right for their employees.

Steven in Nashua wrote me:

I am a small employer. I would be very tempted to dump my plan for my employees, give them a few extra dollars and just get out of the health care business.

I have also heard time and time again about how looming penalties under ObamaCare are causing businesses to think twice about growing and adding new workers.

I heard from Matt on the seacoast. He wrote to me and said:

On a business level, I don't know if I will expand because I would not be able to pay the penalties or the health insurance for my staff members.

These are just some of the stories I am receiving from New Hampshire about hardships ObamaCare is causing for people who are working hard, who want to make ends meet, who want to keep the health care plans they have now. I feel terribly bad for these people. It breaks my heart.

I have worked hard. I have sponsored many efforts and voted to repeal this law. I have called repeatedly over the last several days for a timeout from ObamaCare. We do need a timeout because of the concerns I just talked about in this Chamber that I am hearing from my constituents and that I know many Members in this Chamber are hearing. We need the President to call a timeout.

I came to the floor several times during the government shutdown and I said it was wrong to shut down the government to try to defund ObamaCare because of the harmful impact of a government shutdown. I even took the step of calling on Members of my own party: Please, do not go forward and shut the government down.

Now it is time for the President to see the impact of this law and understand from someone who in some instances has stood up to her own party on the government shutdown—I am asking the President of the United States to hear from the people of this country who are being impacted negatively by the health care law, and I say: Call a timeout, Mr. President. It is not working. They are having difficulties with the Web site. They are worried that their personal information will not be protected on the Web site.

But, as I talked about today, the problems are much deeper, with people receiving cancellation notices, with people receiving premium hikes they cannot afford, with hours being cut for workers who want to work and make a living in this great country.

I would ask the President to call a timeout, to bring people together. This law was passed out of this Chamber on party lines. I would argue the best way to address health care in this country and to address real concerns I know people had with the status quo as well is to bring a bipartisan group together because what we are seeing now is not working.

My constituents have also taken the time to point out to me—in addition to the major problems they see with ObamaCare, they have shared a few ideas with me as well about where they think we should go from here instead of ObamaCare. I want to share those ideas as well.

Many of them agree that competition in New Hampshire is effectively nonexistent. Let's face it. We have one insurer on the exchange. One suggestion I saw—and it is one I agree with—is to allow for the purchase of insurance across State lines. Why shouldn't insurance companies have to compete on a national basis?

I also agreed with a constituent who said we need to place our focus where it belongs: crafting legislation that reduces health care costs rather than trying to create an artificial health insurance marketplace.

Another constituent wisely pointed out that there should not be a cookie-cutter set of policies, such as the ones that result in seniors purchasing coverage that includes maternity care. Instead, people should be able to shop for coverage that suits their particular needs, and we should respect that different people have different needs in health care.

There are many other ideas that I know we could work on together. These are just some of the ones my constituents have written to me, and I know they have written me other great ideas as well.

Finally, an overarching theme I have heard is that Americans are tired of

being victims of partisan gamesmanship, and I agree with them. We have had too much partisan gamesmanship on so many issues in the Congress. They are tired of the politics. They want us to work together to solve tough problems, and I agree with them.

On behalf of the people of New Hampshire, I renew my call for a timeout on ObamaCare. Let's have both parties come to the table and find health care solutions that work for the American people.

I yield the floor.

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

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

SEQUESTRATION

Mr. KAINE. Madam President, I rise today to speak in the midst of our budget conference about a topic that has consumed a lot of time here in this Chamber in the last number of months; that is, the effect of sequestration on the national economy and in particular the effect that sequestration is having on defense.

This was the subject of my first speech, my maiden speech as a Senator on the 27th of February, talking about the particular effect of defense sequestration, cuts on Virginia and the Nation as a whole. I return to it today not just to be repetitive but because we now finally are at the table in a budget conference, and, as the Presiding Officer knows, I think this conference gives us an excellent opportunity to find a better path forward for the Nation.

Sequestration, which went into effect in early March, has caused major damage to our economy and the capacities of our Defense Department. Our Defense Department is the most capable fighting force the world has ever seen. It is vital to our security, and Virginians and citizens of Wisconsin and every other State understand that.

Sequester was designed to be so painful that it would force Democrats and Republicans to find an alternative. We know that did not happen, so the pain that was never intended to come into effect has been in effect. We have seen the impact it has had on our economy since early March.

Fortunately, while we did not compromise in order to avert sequester, there is still time to compromise. Now when we are doing the hard work of a budget conference for the first time in 5 years, when we are doing the hard work of a budget conference in a divided Congress for the first time since 1986, it is now time to address these damaging cuts.

Let me talk for a second about the effect these cuts have first on Virginia but then on our national defense and preparedness. Our Nation's Defense Department has been strung along prior to sequestration for a number of years, 3 years, with continuing resolutions. That is jargon that we understand here. For regular folks, it is as if you are into the next year in your household and you are told: We cannot make a decision so we will spend this year exactly what we spent last year.

Well, wait a minute. We had a child in college last year who is not in college. Well, still you have got to put money into tuition.

Well, what about a new need we have this year that we did not have last year? Well, you cannot do it. You are limited to only what you did last year.

That is what continuing resolutions for 3 years in a row have done to Defense, with the exception of some anomalies that are passed. It is required for Defense to spend on the same line items and not, for example, invest more in important priorities. The one I always think of is cyber security. If you do continuing resolutions and you just spend what you spent a few years ago, we know we have a bigger need for cyber security than we had a few years ago. There are attacks every day. No one thinks the need to be diligent about cyber security is constant. No, we ought to be spending more. Instead, the continuing resolution requires our Defense and other departments to spend at yesterday's line items—or 3-year-ago line items. That does not make much sense.

In hearing after hearing in our Budget Committee, in the Armed Services Committee and others, our Nation's uniformed and civilian military leaders have emphasized the damage sequestration is having on our military. In every meeting with generals, admirals, Pentagon officials, I am struck by their calls to us as Democrats and Republicans, as Senate and House Members, to end this foolish policy. The next hearing we will have tomorrow is in the Armed Services Committee, when we will be hearing again about the effect sequestration is having on military readiness.

In Virginia, to pick one State, my home State has been hit very hard, in fact harder than any other State due to the large Federal workforce and many military bases. When you add to the sequestration and CR the effect of the shutdown we saw in September and October—the first 2 weeks of October—Virginians really feel it.

Today, a total of 177,982 Virginians are employed because of Federal funding either directly with DOD or one of the service branches or through military contracts. For example, the talented men and women at the Newport News shipyard are private contractors, but they manufacture the largest items that are manufactured on planet Earth, nuclear aircraft carriers. They do it to keep American men and women safe. This summer over 70,000 DOD civilians in Virginia were furloughed. Construction training and maintenance on military bases was delayed, which affected private contractors. If sequester continues, as some are saying—some are fatalistic about it: Well, we cannot do anything about it—if sequester continues into 2014, 34 planned ship maintenance availabilities will be canceled in the new year. Each of these maintenance projects is massive and employs so many people. As many as 19 of these are on the east coast—34 is the national figure, 19 of these are on the east coast, including Virginia. This will hurt the ship repair industry in Hampton Roads, and could lead to a loss of about 8,000 jobs nationally in the ship repair industry.

Not only have these cuts flowing from sequestration affected my State's economy, but probably more to the point for all of us in this body, we ought to be concerned because they are affecting our national security and they are degrading the capability of our military to deal with challenges.

I wish I could say that since I was sworn in as a Senator with the Presiding Officer on January 3 the world has become a lot safer and more peaceful and less complicated. But to the contrary. In the 10 months we have been here, sadly, we have seen more instances of danger, more things to be concerned about, more problems we have to deal with. We are not in a static situation. We are shrinking our budget at the same time as the degree of challenges we have around the world is growing more dangerous.

Just this year, the sequestration cuts that went into effect in March have grounded one-third of our U.S. combat aircraft. Think about our Air Force and how important it is in today's defense and planning for warfare. One-third of our combat aircraft are grounded because of sequestration, hampering our ability to respond to global crises and maintain strategic advantages. If sequester goes forward, that one-third will grow. The Air Force will be forced to cut additionally, by as much as 15 percent. That would suggest that nearly 50 percent of America's combat aircraft will be grounded in 2014 due to the sequester. We have to ask ourselves: How can we not have an Air Force ready to respond to crises at a moment's notice?

Moving to the Navy. Our naval capabilities have also been significantly curtailed, reducing our normal levels of three carrier groups and three amphibious groups ready to respond to crisis within 1 week to only one of each. So, again, a two-thirds reduction in the availability of carrier forces or amphibious vehicle forces that can meet that 1-week response time in the event of an emergency.

Again, we have got to have a Navy that is ready to respond when there are crises.

Then moving to the Army. This year, because of the first year of the sequester—and it gets worse—the Army cancelled all—all—combat training center rotations for any nondeploying unit. So if a unit is being deployed, they are

being trained, but then other units that do not have a regular assigned deployment stay trained as well to meet an emergency need. If we know we are going to be deploying a unit to Afghanistan to replace another unit that is coming back, then we will train that unit. But you do some training for the units you are not planning to deploy, just so they are ready if the need exists. But we have cancelled all of the training for nondeploying units. General Odierno has said that 85 percent of America's brigade combat teams cannot meet the current training requirements that are set in our defense strategy.

We have asked what that means. When folks come before us, we ask what does it mean, you are not getting the training? Does it mean you will not go if there is a compelling security need or national emergency?

They say: No, of course we will go. If the Commander in Chief or Congress were to say we have to go, we will go. But what training means is we will go, but we will suffer more casualties. What training does is give us the edge to succeed. The absence of training means—it is almost immoral to think about it—that we have a training standard, but if you put people in harm's way who have not been able to meet that training standard, you almost guarantee that the casualties will be more significant. That is not something any of us can comfortably look in the mirror and tolerate.

So it is not hard to see that what was promised about sequester is, in fact, true. Sequestration is not strategic. It was never designed to be strategic. It was not designed to be the careful cutting of costs that you might do, that you should do, that every organization should do. It is not only not strategic, it is not sustainable in the outyears.

The House Armed Services Committee—Republican House, Republican majority—many Republicans have admitted ''that sequestration of discretionary accounts was never intended to be policy.'' Our colleagues in the House, in a bipartisan way, have called for a lifting of sequestration, in terms of its effects on defense.

Our Armed Services Committee in the Senate, the SASC, also in the NDAA that we are about to debate on the Senate floor, reached the same conclusion. We were sitting in a markup of the NDAA bill. I noticed at the time as a SASC member there was nothing in the bill about sequestration. All of our hearings, virtually, had touched on sequestration. So I put an amendment on the table, kind of on the fly: Let's just say sequestration is bad and we should get rid of it. We debated it right there as we were marking up the bill. I recall that the vote on the amendment was 23 to 3.

Overwhelmingly in a voice vote, the Armed Services Committee, Democrats and Republicans, were willing to embrace the proposition that sequestration was bad. Actually the language was, not only is it bad for the DOD accounts, it is also bad for the other accounts as well.

That is why I am calling, in connection with our meeting as budget conferees, for a sensible bipartisan approach to limit the negative impacts of sequestration.

General Dempsey was talking to a group of Senators yesterday on the readiness subcommittee. He said: What we need to deal with in sequestration is money, time, and flexibility. The cuts are too steep; they are too frontloaded in terms of the timing; and there is too little flexibility for our military command to be able to use the dollars to do the right thing to keep us safe.

We have to find a way to get out of the sequestration dead end and restore some of the cuts and provide both the timing and flexibility to make the management of them easier. If we reverse sequestration in this budget conference, that will create, by economists' estimates, 900,000 jobs at a time when our economy needs to get stronger and our unemployment rates to be dropped. It will add a whole percentage point to our gross domestic product, according to the Congressional Budget Office.

So now as the budget conference committee is meeting—our next meeting is next week—I felt our opening meeting was a positive one. It was mostly positive because as we went around the table, House Members and Senate, Democrats and Republicans, there was an absence of what I would call the ''nonnegotiable'' language. I listened carefully. Being new, I do not necessarily know all of the details. But I know when I hear lines in the sand being drawn: We will not do this; we will not do that. When you hear that, you know the negotiations are going to be very difficult.

I applaud the 29 conferees for having that opening meeting and not putting a lot of ''not negotiable'' language out on the table. When we meet next week, I hope that attitude continues because we need colleagues from both sides of the aisle, in both the House and Senate, to work toward a positive solution in this conference that will do a number of things: Help us grow the economy; help us deal with the debt in a responsible way, not an irresponsible way, but lift the effects of sequestration so that we can be confident we will be safe as a nation.

I pointed out during the budget conference that while the House budget under the leadership of Chairman RYAN and the Senate budget under the leadership of Chairwoman MURRAY are different in a lot of ways, in other ways you can step back from them and say: The differences are not so mammoth that they cannot be resolved. They are the kinds of differences that legislative bodies around the country, State legislators often resolve. The top line difference between the House and Senate budgets for the 2014 year is about 2.5 percent of the Federal budget. You could argue that both of the top line numbers had a little bit of wiggle room in them in negotiation. So the actual difference, I would argue, between the two budgets, top line for 2014, is probably about 1.5 percent.

Given the challenges in the world, given the challenges in our economy, given the American public's desire to see us work together to find a compromise, and the upside we can achieve, if we do, I cannot believe that 1.5-percent difference in the top line is an insuperable obstacle for us. We have hard decisions to make. We need to make them with the interests of our own constituents but the entire country in mind, in particular, in this world where every day we hear of a new potential challenge that can threaten our security if we do not deal with it in a smart way.

We need to get past the continuing resolutions and the gimmickry and the shutdowns and sequestration, return to orderly budgeting, and do the hard work of finding compromise.

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

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

THE BUDGET

Mr. LEAHY. Mr. President, the budget conferees are working to reach agreement on the fiscal 2014 budget, and I compliment Senator MURRAY for the great work she has done. I want to join those who have expressed strong support for their efforts.

We all know what the consequences will be if they do not reach agreement on a budget. We will have draconian cuts to defense acquisitions and readiness, to social safety net programs, to infrastructure, to public schools, and to police. Every Federal program is going to suffer, and every American in my State and in the other 49 States, will feel the impact.

Having been in the Senate a long time, I know that anything that gets done around here happens as a result of compromise. Nobody gets everything he or she wants. When it comes to a budget agreement, it means you have to have additional savings, but you also need increased revenues. There is no other way. You have to do both.

I think back to the time when we not only had balanced budgets, but we also had a surplus; in the last Democratic administration, for example. We did not have these kinds of specialized tax cuts to those in the highest bracket. Ironically, those in the highest bracket made more money during that time because the whole economy was better.

Those who think it can be done by only cutting spending, or by only closing corporate tax loopholes, but not by

doing both together, are legislators in name only. That is simply a recipe for continued gridlock and another year of sequestration, which would be a disaster.

It would allow everybody to go off and give rhetoric but not face reality. They could talk about what they want, but never have to vote on anything. The fact is that if you want to do this, you have to cast some tough votes.

The outcome of this budget conference will determine the extent to which the Congress will play a meaningful role in Federal spending for the rest of this administration, and possibly well beyond.

I would advise my colleagues on both sides of the aisle—I have been here with both Republican and Democratic administrations. If the Congress is going to actually have a voice as an independent third branch of government in how the government is run and what we do, then we have to start facing up and doing real budgets and real appropriations bills; otherwise, just assume there is a top dollar level in there and the administration will do whatever it wants to do, Democratic or Republican. That is not what I believe I was elected to do. As one of 100 Senators, I should have a voice in what comes out of it.

As I said, the outcome of this budget conference will determine the extent to which the Congress can play a meaningful role in Federal spending not only for the rest of this administration but possibly well beyond, but there is no better way to illustrate what is at stake than to use concrete examples. I want to do that by comparing the impact of the fiscal year 2014 House and Senate versions of the bill that funds the Department of State and foreign operations. The choices are stark, and it puts things in perspective.

The House bill provides $40 billion to fund the Department of State, the U.S. Agency for International Development, and our contributions to the World Bank, U.N. peacekeeping, and countless other organizations and programs that contribute to global security.

In contrast, the Senate bill would provide $50 billion, 25 percent more than the House bill, for these same agencies and programs. But, lest anyone falsely accuse think the Senate of being big spenders, actually the Senate bill responds to the current budget climate—it is $500 million below the fiscal year 2013 continuing resolution after sequestration and across-the-board reductions, and includes many budget reductions and savings.

Unlike the House bill, however, we are selective in how we do it. The Senate bill does not make draconian and reckless cuts that would weaken U.S. influence and cede U.S. leadership to our competitors.

Given the situations in Syria, North Africa, and other areas of conflict—areas of conflict that could evolve and engulf the United States at a moment's notice—as well as the unpredictability of natural disasters, funding for international crisis response and humanitarian relief is a matter of life and death for millions of the world's most vulnerable people who look to the wealthiest, most powerful nation on Earth.

The current demand for these programs—and certainly my mail shows they are strongly supported by the American people—is unprecedented and growing. Yet the House bill cuts these programs $1.6 billion below the Senate bill, and far below the fiscal year 2013 level.

One of the most troubling cuts in the House bill is for international organizations in which the United States plays a major role in addressing global threats to us and our allies—such as transnational crime, disease epidemics, and climate change—that no country can solve alone. Some of the most feared and most deadly diseases in the world today are not on our shores, but can be on our shores from other parts of the world in a matter of hours.

Aside from a total humanitarian reason, we have a good reason to do something to help combat those diseases. The House would end our support entirely for many of these organizations, create large arrears of money we are obligated by treaty to pay, and erode our influence with other major contributors and shareholders like the Europeans, China, India, and Brazil.

They are saying: OK, we agreed to pay this, but, sorry, we are the United States and we don't have to keep our word. I don't think most Americans want to hear that. Ask any of our international corporations, ask any of our organizations in this country—medical facilities or anything else that has to work around the world—if they really want the United States to give up its influence.

The House bill provides no funding—not one single dollar—for U.S. voluntary contributions to the United Nations Children's Fund, the United Nations Development Program, the United Nations High Commissioner for Human Rights, or the Montreal Protocol, which protects the ozone layer. The Senate bill includes $355 million for this account, which is about the same level as five years ago. I would like more, but I don't want to go to the House level, which is nothing.

So while the House would end our participation in UNICEF and many other U.N. agencies, the Senate bill freezes spending for these organizations at the 2009 level.

The House bill provides $746 million, which is nearly 50 percent less than the Senate bill, for assessed contributions—these are contributions we are required to pay—to international organizations such as NATO, the International Atomic Energy Agency, the World Health Organization, Food and Agriculture Organization, Asia-Pacific Economic Cooperation, and many others.

What we are saying is that if some disease breaks out in the world and comes across our borders, well, gosh, that would be terrible, but we can't give any money to the World Health Organization to try to stop it. What if there is a question of nuclear proliferation? Sorry, we can't give the money we are required to give to the International Atomic Energy Agency. The Senate bill is $72 million below the fiscal year 2009 level, and the House bill is $783 million below the fiscal year 2009 level.

Does anybody actually believe that the needs of NATO or the International Atomic Energy Agency or the World Health Organization are less today than they were five years ago? All you have to do is watch the news. All you have to do is read some of the reports, some of the intelligence briefs every Senator can read, and you are not going to say: Well, the threat is less today than it was five years ago. You are going to say, as I do, as I read these reports: The threat is a great deal worse than it was five years ago. It defies logic, and it is dangerous. It is dangerous not to be involved in these organizations.

In fact, the House bill provides no funding not one dollar—for most of the international financial institutions, such as the Asian Development Bank, the African Development Bank, the Inter-American Development Bank, or the International Fund for Agricultural Development. This would put us hundreds of millions of dollars in arrears, forfeiting our leadership in those institutions.

So they can say to us: OK, debtor nation—OK, United States—you agreed to these, but you are not paying your bill. We can't trust the United States, so we are not going to let you have any say in this. We are not going to let you have the leadership you have had in these institutions.

In fact, the House bill provides not even one dollar for the key multilateral environmental funds that support clean energy technology and protect forests and water resources, including the Global Environment Facility, the Clean Technology Fund, and the Strategic Climate Fund. It is bad enough that here in the Senate we have frozen these agencies at last year's level, but at least we have some money for them. The House has nothing. They do not provide a single dollar for the Global Agriculture and Food Security Program. The Senate bill provides $135 million for this program—the same level as last year's continuing resolution—to help the poorest countries prevent chronic malnutrition and famine.

Mr. President, we all ask: Why can't we have countries developed so that they are not open to some of these terrorist organizations or fundamentalist organizations that step in? Well, we have a stake in helping them. It doesn't require much money; a tiny fraction—1 percent of our budget. To just walk away from them makes no sense from our strategic interest, but more than that, what does it say about

our moral interest as the wealthiest, most powerful Nation on Earth? We have to speak to what is the moral value of the United States.

Frankly, what they have done in the other body does not speak well to our moral core—not the moral core of the America I know in my State from both Republicans and Democrats alike. We all understand the need for Federal departments and agencies to reduce costs and eliminate waste and find efficiencies. We do this. The Senate bill is $500 million below the fiscal 2013 continuing resolution. But what we try to do is to say that at least the United States has to keep its word. At least the United States ought to show involvement in parts of the world where it counts.

Unfortunately, the House bill may make great sound bites, nice bumper-sticker politics, but it endangers the United States, endangers our security, and it gives the image that the United States is a country that cannot keep its word. We can't do that. It will end up costing taxpayers more in the long run and cause lasting damage to the country.

Let's move forward, get our budget resolution, and pass our appropriations bills, because right now everybody gets to vote maybe. Nobody has to vote yes or no. I have been here long enough to know that the people of my State expect me to vote yes or no, not maybe.

Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is considering a motion to proceed to H.R. 3204.

Has the time been divided in any fashion?

The PRESIDING OFFICER. It has not.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MANUFACTURING JOBS

Mr. COONS. Mr. President, I come to the floor to talk about jobs—about manufacturing jobs. As we all know, manufacturing jobs are high-quality jobs. Manufacturing jobs come with higher pay and higher benefits. Manufacturing jobs help create other local service sector jobs, and manufacturing jobs contribute more to the local economy than jobs in any other sector. Beyond that, manufacturers invest the most of any industry sector in research and development, which is critical to America's continued growth and our security as a leading innovation economy.

Last week 21 Senate colleagues and I joined in a new initiative called the Manufacturing Jobs for America to help create good manufacturing jobs here at home today and tomorrow. It has grown out of 25 Senators who have all contributed different policy ideas. This is not one big megabill with dozens of sponsors, but just one bill. Instead, it is a constellation of 40 different proposals. Some of them have already been introduced as bills, and half of those that have been introduced are bipartisan. These bills illustrate some of our best ideas about how we can work together across the aisle to provide badly needed support for our growing manufacturing sector here in the United States.

There are 4 different areas these 40 different proposals fall into, and I wanted to talk about 1 of them today. Three of them are: How do we open markets abroad? How do we strengthen America's 21st century manufacturing workforce? How do we create a long-term environment for growth through a manufacturing strategy? The fourth is: How do we ensure access to capital?

Of the four I just mentioned, I want to speak about access to capital. As any business owner knows, you cannot ensure the long-term growth and vitality of your business unless you have capital to invest—whether in research and development, new workers, new products, or new equipment to expand into new markets. Access to capital is absolutely essential to manufacturing jobs for America.

The three bills I am going to talk about today, which are part of this constellation of 40 different proposals, would each expand access to capital for manufacturers in different ways.

Let me start with the Startup Innovation Credit Act. This is an existing bipartisan bill I have introduced, along with Senators ENZI, RUBIO, BLUNT, and MORAN, who are all Republicans, and Senators SCHUMER, STABENOW, and KAINE, all, like me, Democrats. Although we represent different parties, come from different parts of the country, and have different backgrounds, we have all come together to strengthen our economy and in particular to support innovation and entrepreneurship.

One way we do that now is to support private sector innovation and manufacturing through the research and development tax credit. The R&D tax credit generates new products and industries, benefiting other sectors. But there is a critical gap in the existing and long-standing R&D tax credit. It is not available to startups because they are not yet profitable. This is a tax credit you can only take if you have a tax liability and are profitable.

We worked together—Senator ENZI and I, and the other cosponsors—to fix this hole with a relatively simple tweak, and that is what the Startup Innovation Credit Act does. It allows companies to claim the R&D tax credit against their employment tax liability rather than in income tax liability—a corporate income tax liability. Supporting small innovative companies in their critical early stages of research and development could unleash further innovations and unleash greater growth that would spur good job creation for Americans in the long run.

Between 1980 and 2005, all net new jobs created in the United States were created by firms 5 years old or less. In total, that was about 40 million jobs over those 25 years. This credit is specifically designed with those new young firms in mind—those early-stage firms that are the font of the greatest source of creativity and jobs. It is limited to those companies that are 5 years old or less, and it is limited to being an offset against their W–2 liability so we can provide some access for early-stage startups to this R&D credit that encourages them to hire more folks and grow more quickly—just a part of Manufacturing Jobs for America.

The second bill I would like to talk about today is the Master Limited Partnership Parity Act. It levels the playing field as far as getting access credit. Instead of giving smaller, early-stage startup companies the same access to capital that larger, more mature firms have, this bill levels the playing field in the energy sector. It levels the playing field, in particular, for clean energy firms.

This is bipartisan as well. I introduced it with Democratic Senator DEBBIE STABENOW as my lead cosponsor and Republican Senators JIM MORAN and LISA MURKOWSKI. I am grateful for their persistent and engaged leadership on this bill. I am thrilled that in the last couple of days Democratic Senator MARY LANDRIEU and Republican Senator SUSAN COLLINS signed on as cosponsors as well.

The MLP Parity Act allows us to have an ''all of the above'' energy strategy. As I presided in my first 2 years—as I served on the Energy Committee—there are many Senators, Republican and Democrat, who think we should not pick winners and losers in technology and we should be promoting an ''all of the above'' energy strategy. This bill makes that possible in clean energy financing and in preserving a widely used tool for existing traditional energy financing. Oil and gas will play a significant role in our Nation's energy picture for the foreseeable future, but right now we don't have a level playing field between renewables and between oil and gas and pipelines.

For nearly 30 years, traditional nonrenewable sources of energy have had access to master limited partnerships. MLPs give natural gas, oil, and coal companies access to private capital at a lower cost. That is something that capital-intensive projects, such as pipelines, badly need. I would argue that alternative energy products need that as well; in fact, in some ways more than ever.

Last night I spoke to a group of board members at the National Academies of Science, and what we spoke about was how much technology has

developed and sped up in the clean energy space, but how financial innovation has not kept pace. This has held back renewable energy and investments in energy efficiency even as technology has made energy production and distribution and energy efficiency cheaper to achieve.

Expanding access through this broad bipartisan bill to low-cost, long-term capital would be an important step to letting new energy sources take off and letting them compete on a level playing field with all sources of energy. That is exactly what the MLP Parity Act intends to do.

Last but not least, I was proud to be able to join a number of other Senators in cosponsoring the Small Brew Act. Senators CARDIN and BEGICH, Senators COLLINS and MURKOWSKI, Democrats and Republicans, have worked together to give small brewers a leg up by lowering the excise tax they face on the beer they produce.

Small Brewers, such as Dogfish Head in my home State of Delaware, are big job creators in communities across the country. As Senator CARDIN said on the floor earlier this year, ''While some people may think this is a bill about beer, it is really about jobs.'' And I would say jobs in manufacturing.

Small and independent brewers today employ more than 100,000 Americans and pay more than $3 billion in wages and benefits. Sam Calagione, the owner of Dogfish Head Brewery in my home State of Delaware, now employs 180 workers at their facility in Milton. Of course, what they are manufacturing is not a new or innovative or recently invented product. People have been brewing beer for thousands of years. Sam has done a remarkable job of coming up with a very broad range of different brews, and, in fact, of bringing back brews that are centuries or millennia old by recovering recipes for fantastic and tasty beers.

What I am focusing on today is about the expanse. This particular company has invested $50 million in a state-of-the-art manufacturing facility. When I recently visited, I was struck at how different it is from the beer bottling plant of the past, from what some may have seen on ''Laverne and Shirley'' or what they would imagine a traditional manufacturing plant to look like.

Those folks who work on the manufacturing line at this particular facility have to be able to use programmable logic controls. They have to be able to do quality control and math, and to communicate as a team. They have to communicate in a way that puts them at the cutting edge of advanced manufacturing. This highlights some of the biggest challenges in manufacturing. It takes a lot of money to invest in a plant and machinery in order to make them capable of competing as a modern-day plant. It takes access to capital.

We also need to change the public's perception of what manufacturing is. It is a very different place to work—a manufacturing line—than it was 20 or 50 years ago. They are safe, clean, and well lit. These are decent, high-paying jobs. If we are going to win in the global competition for manufacturing, we need to strengthen the skills and the perceptions of manufacturing across our country.

Each of the three bills I have spoken about today will help create good manufacturing jobs here in America, and I believe are ready for consideration on a bipartisan basis by this Chamber. We need to take action together on a bipartisan basis to get our economy going again.

I will remind everyone: Manufacturing jobs are not just decent jobs, not just good jobs, they are great jobs. They are the jobs of today and tomorrow. They are the jobs that sustain and build the backbone of the American middle class.

We already have all the tools in this country to ensure its growth, but if we work together and put in place stronger and better Federal policies in partnership with the private sector, we can put jets on our manufacturing sector, and it can take off and grow again.

With that, I yield the floor.

Mr. President, every so often in between the crises and rancor and partisan fighting, we have an opportunity to make real progress in the Senate. This week we are considering the Employment Non-Discrimination Act. It is a bill that will put in place basic workplace protections for lesbian, gay, bisexual, and transgender Americans.

It has been a big year for equality nationally and in my home State of Delaware. The Delaware General Assembly legalized same-sex marriage in May, giving every Delawarean access to the full rights and responsibilities of marriage, no matter the orientation.

A month later, Delaware's General Assembly built on its 3-year-old law by protecting LGBT people from workplace discrimination, adding protections for transgender Delawareans as well. These two laws are about dignity, respect, and basic fairness for our neighbors.

Of course, a month later, the U.S. Supreme Court struck down the Defense of Marriage Act, giving all married couples across our country access to the Federal benefits they are due. This has truly been a historic year for civil rights and for our country.

For all of our progress, much remains to be done. In 29 States it is still legal to fire someone just because they are gay, just because they are lesbian, or just because they are bisexual. That means that more than 4 million Americans across those States go to work day in and day out with no protection against being fired summarily because of who they love. In 33 States, which include 5 million people, it is legal to fire someone because of their gender identity.

I thank my colleague, the Senator from Oregon, for his hard work and leading this fight here on the floor, and the Senator from Iowa for his long advocacy for this bill that should have passed years and years ago.

More than 40 percent of lesbian, gay, and bisexual Americans, and almost 80 percent of transgender Americans, say they have been mistreated in the workplace because of who they are or because of who they love. Clearly there is still work for us to do.

The Employment Non-Discrimination Act would provide basic protections against workplace discrimination based on sexual orientation or gender identity. It is a bill that is built on our Nation's historic civil rights laws, including the Civil Rights Act and the Americans With Disabilities Act. This is about basic fairness.

The overwhelming majority of Americans—in fact, more than 80 percent—think it is already against the law to fire someone just because they are gay. Most Fortune 500 companies already have policies preventing discrimination based on sexual orientation and gender identity in place.

Some of Delaware's biggest employers and companies, including DuPont, Dow, Bank of America, TD Bank, Christiana Care, and the University of Delaware have led the way with their own policies to protect the rights of LGBT Delawareans and their employees.

There is real momentum behind these protections, and it is time for Congress to pass this law. Protecting Americans from discrimination is part of America's shared values, and it needs to be part of our laws as well.

No one here thinks it is OK to fire someone simply because they are African American or because they are a woman or because they are an older American. It is not OK to fire someone because they are gay or transgender either. Equality is a fundamental part of our shared American values: Do unto others; treat people with the respect and dignity with which you want them to treat you. Majorities in every State support putting these protections in place. Majorities of Democrats and of Republicans and of Independents support putting these protections in place. Majorities in every Christian denomination support putting these protections in place. The majority of small business owners surveyed support putting these protections in place.

Freedom from discrimination is a fundamental American value that we don't just share, we cherish. Why not put these protections in place now, today, to ensure that gay, lesbian, bisexual, and transgender Americans will be able to go to work, to earn a living, to provide for themselves and their families, without the fear of being fired just because of who they are.

The opportunity in front of every one of us is an important one. Leadership on civil rights in this Chamber has traditionally been bipartisan, and this period of partisanship on civil rights is only fairly recent and need not be permanent. In fact, this bill is cosponsored

by two of our Republican colleagues, Senator COLLINS of Maine and Senator KIRK of Illinois. When he came to the floor to speak on ENDA earlier this week, Senator KIRK noted the importance of a Senator from his home State of Illinois being in a position of leadership on this civil rights issue. This really is a historic opportunity.

When the Senate votes on final passage on the Employment Non-Discrimination Act tomorrow, I hope we all will take advantage of this historic opportunity.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I so much appreciate the comments of my colleague from Delaware, first speaking to the importance of rebuilding our manufacturing sector, of creating living-wage jobs and how important that is to building the middle class and providing the foundation for families to thrive, and then speaking to the core issue we are debating today, that of ending significant discrimination against millions of American citizens. His words were well spoken, I say to the Senator from Delaware, and I thank him for his advocacy that will make this Nation work better for so many of our fellow citizens.

This issue of freedom from discrimination is a core issue of freedom. It is a core issue of liberty. It goes right to the heart of the founding of this country. Our Founders were often chafing under the heavy hand from the land they came from across the ocean, and they wanted to be able to forge their own world where they would be able to participate fully in society. So liberty and freedom became right at the heart of our founding documents.

Our Declaration of Independence says in its second paragraph:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights; that among these are Life, Liberty, and the pursuit of Happiness.

That concept of liberty was echoed when we went to our U.S. Constitution. It started out saying, as Americans are well aware:

> We, the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

We, the people, sought in that year to establish a more perfect union, and we continue in our pursuit of a more perfect union—one with more complete blessings of liberty.

What, indeed, is liberty? That opportunity to participate fully in our society. This was well captured by President Lyndon Baines Johnson. He was speaking in 1965 to Howard University students at their commencement, and President Johnson said:

> Freedom is the right to share fully and equally in American society; to vote, to hold a job, to enter a public place, to go to school.

President Johnson continued:

> It is the right to be treated in every part of our national life as a person equal in dignity and promise to all others.

I think President Johnson captured well what freedom and liberty are all about, as have many of our major public citizens over time as they sought to examine this core premise of liberty and freedom and what it meant in this Nation, what it meant to create a more perfect union in this regard.

Eleanor Roosevelt spent a lot of time talking about human rights. She said:

> Where, after all, do universal human rights begin? In small places, close to home, so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person, the neighborhood he lives in, the school or college he attends, the factory, farm or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere.

Indeed, today we are very much talking about the factory, farm, and office Eleanor Roosevelt spoke about, where, if rights do not have meaning there, they have little meaning anywhere.

It has been long recognized that the opportunity to thrive for the individual is so fundamental to this notion of liberty and freedom, and it is also a powerful force for the good of our Nation as a whole. This is well captured by Theodore Roosevelt. He said:

> Practical equality of opportunity for all citizens, when we achieve it, has two great results. First, every man will have a fair chance to make of himself all that in him lies, to reach the highest point to which his capacities, unassisted by special privilege of his own, unhampered by the special privilege of others, can carry him; to get for himself and his family substantially what he has earned.

Theodore Roosevelt continued:

> Second, equality of opportunity means that the commonwealth will get from every citizen the highest service of which he is capable. No man who carries the burden of the special privileges of another can give to the commonwealth that service to which it is fairly entitled.

Theodore Roosevelt was speaking in the masculine, but he was talking about all citizens—men and women—equality of opportunity for the individual and for the benefit of society.

Senator Ted Kennedy summarized this concept much more succinctly. He did so on August 5, 2009, when the bill that is before this body was introduced in that year, the 2009 version. He said:

> The promise of America will never be fulfilled as long as justice is denied to even one among us.

So, again, the success of the individual in gaining full access to liberty and freedom, full opportunity to participate in society, builds a stronger community, a stronger State, and a stronger Nation.

The bill we have before us today is a simple concept: That an individual can pursue that place on the farm or in the factory or in the office without discrimination; that the LGBT citizen has full opportunity to fulfill their potential in the workplace.

Religious groups from across America have weighed in to say how important and valuable that is. Here is a sign-on letter—a letter that is signed by approximately 60 religious groups across America. It is addressed to each of us in this Chamber.

> Dear Senator: On behalf of our organizations, representing a diverse group of faith traditions and religious beliefs, we urge you to support the Employment Non-Discrimination Act. As a nation, we cannot tolerate arbitrary discrimination against millions of Americans just because of who they are. Lesbian, gay, bisexual, and transgender people should be able to earn a living, provide for their families, and contribute to our society without fear that who they are or who they love could cost them a job. ENDA is a measured, commonsense solution that will ensure workers are judged on their merits, not on their personal characteristics like sexual orientation or gender identity. We call on you to pass this important legislation without delay.

This letter from these roughly 60 religious organizations continues:

> Many of our religious texts speak to the important and sacred nature of work . . . and demand in the strongest possible terms the protection of all workers as a matter of justice. Our faith leaders and congregations grapple with the difficulties of lost jobs every day, particularly in these difficult economic times. It is indefensible that, while sharing every American's concerns about the health of our economy, LGBT workers must also fear for their job security for reasons completely unrelated to their job performance.
>
> Our faith traditions, the letter continues, hold different and sometimes evolving beliefs about the nature of human sexuality and marriage as well as gender identity and gender expression, but we can all agree on the fundamental premise that every human being is entitled to be treated with dignity and respect in the workplace. In addition, any claims that ENDA harms religious liberty are misplaced. ENDA broadly exempts from its scope houses of worship as well as religiously affiliated organizations. This exemption—which covers the same religious organizations already exempted from the religious discrimination provisions of Title VII of the Civil Rights Act of 1964—should ensure that religious freedom concerns don't hinder the passage of this critical legislation.

Then this letter concludes:

> We urge Congress to swiftly pass the Employment Non-Discrimination Act so that lesbian, gay, bisexual, and transgender Americans have an equal opportunity to earn a living and provide for themselves and their families.

I ask unanimous consent to have printed in the RECORD the sign-on list associated with this letter.

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

> Sincerely,
>
> Affirmation—Gay and Lesbian Mormons, African American Ministers in Action, American Conference of Cantors, American Jewish Committee, Anti-Defamation League, The Association of Welcoming & Affirming Baptists, Bend the Arc Jewish Action B'nai B'rith International, Brethren Mennonite Council for Lesbian, Gay, Bisexual and Transgender Interests Call To Action, Central Conference of American Rabbis,

DignityUSA, Disciples Home Missions, The Episcopal Church, Equally Blessed, Evangelical Lutheran Church in America, The Evangelical Network, The Fellowship of Affirming Ministries, Friends Committee on National Legislation, Global Faith & Justice Project, Horizons Foundation.

The Global Justice Institute, Hadassah, The Women's Zionist Organization of America, Inc., Hindu American Foundation, The Interfaith Alliance, Integrity USA, Islamic Society of North America, Jewish Council for Public Affairs, Jewish Labor Committee, Jewish Women International, Keshet, Methodist Federation for Social Action, Metropolitan Community Churches, More Light Presbyterians, Mormons for Equality Mormons Building Bridges, Muslims for Progressive Values, Nehirim, New Ways Ministry, Presbyterian Church (U.S.A.), Progressive National Baptist Convention.

The Rabbinical Assembly, Reconcilng Works, Lutherans for Full Participation, The Reconstructionist Rabbinical Association, Reconstructionist Rabbinical College, Religious Coalition for Reproductive Choice, Religious Institute, Sikh American Legal Defense and Education Fund (SALDEF), Sojourners, Soulforce, Tru'ah Union for Reform Judaism, United Church of Christ, Justice and Witness Ministries, United Church of Christ, Office for Lesbian, Gay, Bisexual and Transgender Ministries United Church of Christ, Wider Church Ministries, United Methodist, General Board of Church and Society, United Synagogue of Conservative Judaism, Women's Alliance for Theology, Ethics and Ritual (WATER), Women of Reform Judaism.

Mr. MERKLEY. Thank you, Mr. President. This is a list that Americans will well be familiar with, including Methodist groups, Lutheran groups, Jewish groups, and so on and so forth, from the spectrum of Protestant religions, Christian religions, and other religions. It is powerful and helpful that they have written to share their perspectives, and I thank them for doing so.

Business coalitions have also weighed in. I have here a letter from the Business Coalition for Workplace Fairness. Their letter is much shorter. It is signed by approximately 120 companies. I will read it for my colleagues now. It says:

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.

These are companies that include American Eagle Outfitters to Morgan Stanley, Charles Schwab to Nike, General Mills to Xerox, and Hilton Worldwide to Apple, and so on and so forth.

Speaking of Apple, it might be interesting to hear the perspectives of the CEO of Apple, Tim Cook. He wrote an op-ed in the Wall Street Journal, and here is what he had to say. This was published, by the way, on November 3, just a few days ago. He said:

Long before I started work as the CEO of Apple, I became aware of a fundamental truth: People are much more willing to give of themselves when they feel that their selves are being fully recognized and embraced.

At Apple, we try to make sure people understand that they don't have to check their identity at the door. We're committed to creating a safe and welcoming workplace for all employees, regardless of their race, gender, nationality or sexual orientation.

As we see it, embracing people's individuality is a matter of basic human dignity and civil rights.

Tim Cook continues:

It also turns out to be great for the creativity that drives our business. We've found that when people feel valued for who they are, they have the comfort and confidence to do the best work of their lives.

Apple's antidiscrimination policy goes beyond the legal protections U.S. workers currently enjoy under federal law, most notably because we prohibit discrimination against Apple's gay, lesbian, bisexual and transgender employees.

A bill now before the U.S. Senate—

Of course, this bill we are currently debating—

would update those employment laws, at long last, to protect workers against discrimination based on sexual orientation and gender identity.

We urge Senators to support the Employment Nondiscrimination Act, and we challenge the House of Representatives to bring it to the floor for a vote.

Protections that promote equality and diversity should not be conditional on someone's sexual orientation. For too long, too many people have had to hide that part of their identity in the workplace.

Those who have suffered discrimination have paid the greatest price for this lack of legal protection. But ultimately we all pay a price.

If our coworkers cannot be themselves in the workplace, they certainly cannot be their best selves. When that happens, we undermine people's potential and deny ourselves and our society the full benefits of those individuals' talents.

So long as the law remains silent on the workplace rights of gay and lesbian Americans, we as a nation are effectively consenting to discrimination against them.

Congress should seize the opportunity to strike a blow against such intolerance by approving the Employment Nondiscrimination Act.

Again, that is a letter from Tim Cook, the CEO of Apple, published in the Wall Street Journal.

So we see this long arch in pursuit of a vision of liberty and freedom, from our early settlers of North America, to the Declaration of Independence, to the opening words of our U.S. Constitution, to our leaders through a scope of time who recognized the power of liberty in fulfilling the potential of the individual and the potential of the Nation, to our current religious leaders and our current business leaders. It is time we take another bold stride in this long journey toward freedom and liberty for all Americans. In that regard, I urge all of my colleagues to support this legislation before us. It will make a difference in millions of lives, and it will make a difference in the strength and character of our Nation.

Thank you.

The PRESIDING OFFICER (Mr. COONS). The Senator from Iowa.

Mr. HARKIN. Mr. President, I spoke at some length on this bill, the Employment Non-Discrimination Act, the other day, but as we move to end debate on the bill itself, I want to once again express the critical nature of the bill for ensuring equality in the workplace for all Americans.

I was just on the floor listening to Senator MERKLEY's very poignant remarks, and I want everyone to know that we would not be here at this point in time with this bill before us ready for passage tomorrow were it not for the leadership and the persistence of Senator MERKLEY from Oregon. He has been a champion of this issue since he served in the Oregon Legislature, and when he first came here he became a champion of this bill. He truly picked up the mantle of Senator Ted Kennedy in picking this bill out from sort of the ashes of 1996, the last time—the only time—we ever had a vote.

I say through the Chair to my friend from Oregon, we thank you for your doggedness on this issue and for working across the aisle, on both sides of the aisle, to bring it first to our committee and then getting it through the committee and now on the floor.

Again, I want the record to show that it was Senator MERKLEY who really spearheaded this effort, along with Senator MARK KIRK on the Republican side. The two of them fought very hard to get us to this point and to make sure we were actually debating it. So we are greatly indebted to the distinguished Senator from Oregon for his leadership on this issue.

We had an incredible vote the other night that demonstrated more clearly than anything I can say that the Members of this body believe in the message of equality and fairness that is embodied in this bill. The commitment and good faith with which Members have negotiated and offered amendments has been a tribute to the Senate. What we are seeing here is how the Senate ought to work. This is sort of the Senate at its best. We can do business here and get important work done when we share a commitment to fairness and when we act in a spirit of compromise and good will.

I listened to the Senator from Oregon, who so eloquently pointed out that too many of our citizens are being judged not by what they can contribute to a business or an organization but by who they are or whom they choose to love. Well, the Senate is poised to take an important step toward changing that.

Quite frankly, I say with all candor, I think the American people have gotten way ahead of us on this one. The American people—a great majority—believe in the right of an individual to earn a living free from discrimination and to be judged in the workplace

based on their integrity, their ability, and their qualifications. This bill ensures that the same basic employment protections against discrimination that already protect American workers on the basis of race, religion, ethnicity, gender, and disability also apply to lesbian, gay, bisexual, and transgender Americans.

It is rare to have before us a bill with such broad and deep support. ENDA is supported by some 60 faith-based organizations, including congregations and organizations varying from the Presbyterian Church and the Episcopal Church to the Progressive National Baptist Convention, the Union of Reform Judaism, the Union Synagogue of Conservative Judaism, and the Islamic Society of North America.

A poll showed that 76 percent of American Catholics support basic workplace protections for gay and transgender workers, and in the same poll almost 70 percent of evangelical Christians support employment protections for LGBT persons.

Over 100 businesses support the bill, everything from Pfizer, Levi Strauss, to Hershey, Capital One, Alcoa, Marriott Hotels, InterContinental Hotels, Texas Instruments, and on and on.

Seventy-four percent of Fortune 100 companies and nearly 60 percent of Fortune 500 companies already have sexual orientation and gender identity nondiscrimination policies in place.

In the course of our committee hearings on this bill, we heard from executives of Nike and General Mills, who both testified that ''ENDA is good for business.'' A Nike representative told the committee:

> Teams thrive in an open and welcoming work environment, where individuals are bringing their full selves to work.

Since the Senate last considered a version of this bill in 1996, 17 States—and I am proud to say, including my State of Iowa—have put legislation in place that includes these basic employment protections for LGBT citizens. Those laws have been implemented seamlessly and have not led to any significant increase in litigation. But certainly that is not to say what we are doing here is not necessary. The majority of Americans—56.6 percent—still live in States where it is perfectly legal to fire someone or refuse to hire them because of who they are—a lesbian, gay, bisexual or transgender American.

Discrimination in the workplace is real. Forty-two percent of LGBT workers report having experienced some form of discrimination at work. Seven percent reported having lost a job as a result of their sexual orientation. Far too many hard-working Americans continue to be judged not by their ability and their qualifications but by their sexual orientation or gender identity.

I talked the other day about Sam Hall, a West Virginia miner who faced destruction of his property and verbal harassment from his workers because of his identity as a gay person. Sam is one of those millions of Americans who have no legal recourse without the law. I also talked about Kylar Broadus, who faced intense harassment at work as he transitioned from female to male and who has never recovered financially. I talked about Allyson Robinson, who was forced to live in a different State, apart from her family, because she could not find a job as an openly transgender female. This law will make a real difference for these Americans and for millions more like them.

I remember 23 years ago I stood at this podium, at this desk, as the sponsor of the Americans with Disabilities Act, as the chair then of the Subcommittee on Disability Policy. Senator Kennedy was the chair at that time. I talked about the necessity for the Americans with Disabilities Act in terms of a courthouse door.

I pointed out that as of that time, if you were an African American or a woman or let's say you were Jewish and you went down to get a job for which you were fully qualified and the employer said: I'm not hiring Black people; I don't hire Black people; I don't like you; get out of here; I don't hire Jews; get out of here, you could leave there and go right down the street to the courthouse, and the courthouse door was open to you because in 1964 we passed the Civil Rights Act that covered people that way. We said: You have recourse under law for violations of your inherent civil rights based on sex, national origin, religion, race.

But, as of 1990, if you were a person with a disability and you went down to the prospective employer to get a job for which you were fully qualified and the prospective employer said: Get out of here; I don't hire cripples; get out of here, and you wheeled your wheelchair down the street to the courthouse, the doors were locked. You had no recourse under law for that violation of your civil rights because it was not a civil right. So in 1990 we passed the Americans with Disabilities Act, and now the courthouse door is open. If you are discriminated against because of your disability, you can go down to the courthouse. You have the law on your side.

I stand here today, 23 years later, saying that we have covered civil rights laws in this country for almost everyone—except for those for whom gender identity or sexual orientation is part of who they are. That is true.

As I pointed out, we have reams of records here: people fired because they were gay or lesbian—not because they could not do the job, not because they were not doing their job, they were fired just because of who they were. Guess what. That gay person walked down to that courthouse door. It was locked. It was locked, just as it was for people with disabilities before 1990, just as it was for African Americans before 1964, and for women.

I mean these young people working here, these young women, they do not realize in the lifetime of their parents, at least their grandparents anyway, you could fire someone because she was a woman or not hire someone because she was a woman. Guess what. The courthouse door was locked. You had no recourse.

Some States passed civil rights laws. So we had some States pass civil rights laws. As I said, we have 17 States in America that do have laws on the books that ban discrimination on the basis of sexual orientation or gender identity. But how about the rest of the States? As I said, over 56 percent of American workers live in States in which there is no protection.

So in the long march of the American experiment, from the time of our founding and the Bill of Rights, from our Declaration of Independence which said ''all people are created equal,'' step-by-step, step-by-step, sometimes long, painfully—sometimes too long and too painfully—we have expanded this covenant to bring more people into the American family to recognize that people should not be judged on the basis of some externalities such as the color of their skin or their sex or their religion or national origin or disability or whether they are lesbian, gay, bisexual or transgender.

Everyone should have these civil rights, to be covered by civil rights so they will be judged on their contribution to society, by what they do, not by who they are. That is why this vote is so important. That is why this is a historic step again for the Senate.

You could look back and, yes, there were people who opposed the civil rights bill in 1964. We had people here that opposed the Americans with Disabilities Act. But look back and see what they did for America. We are a stronger and a better country because of those laws that were passed, much better for everyone—for everyone, for our families, for the elderly, for everyone.

I hope that those who may be thinking: Gee, I do not want to support this; I am not a big fan of gay people or I may have some religious problems on that, we have religious exceptions in here. That is not the issue. The issue is whether that should be an allowable reason to be discriminated against in employment. As I said, we have said before that is not a legitimate reason for race, sex, national origin or disability; why should it be a reason based upon your sexual orientation or gender identity? I hope my fellow Senators will think about what they would have done had they been here to vote on the Civil Rights Act of 1964. What if they had been here just 23 years ago to vote on the Americans with Disabilities Act?

This Employment Non-Discrimination Act takes its place alongside all of those. That is why it is such a historically important vote. The bill's sponsors, Senator JEFF MERKLEY, Senator MARK KIRK, Senator TAMMY BALDWIN, Senator SUSAN COLLINS, have worked

long and hard. They have worked closely with us in the committee over the last few days to continue to build support for this bill, to work through proposals to change and improve the bill.

We are finishing the debate tomorrow. We will have the final vote on this bill. Passing it with a resounding majority will send a clear message to the American people and to the House of Representatives that we have waited long enough. Think about this. This bill failed by only one vote in 1996—one vote. So here we are 27 years later. It is time to pass this. It is time now to end workplace discrimination against any member of our American family based on sexual orientation or gender identity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

HEALTH CARE REFORM

Mr. CORNYN. Mr. President, I mentioned yesterday in my remarks on the floor that the Obama administration has had 3½ years to prepare for the rollout of the President's signature health care law. It has had 3½ years to get the Web site right and ready for its big debut. It has had 3½ years to take all of the necessary safeguards to protect privacy and the integrity of the Internet, particularly the Web site, and make sure it is not ripe for identity theft and other cyber attacks.

It has had 3½ years to get together a proper vetting system for the so-called navigators. But despite all of that, despite all of that time, it is quite apparent that ObamaCare is not yet ready for prime time yet. In fact, it has been a slow-moving train wreck. The President is in Dallas today meeting with a number of the so-called navigators to thank them for their work.

I was able to ask Kathleen Sebelius, Secretary of Health and Human Services, about the navigators this morning. She admitted there is no background check done on the navigators, even though they will collect some of the most sensitive personal information one can have, including things such as your Social Security number, that can be then used to hack into your accounts; your health information, whether it is mental or physical, which is among the most sensitive personal information each of us has.

She admitted that since they do not do any background check, she could not guarantee that a convicted felon could not be a navigator. She said that was possible. I think that is something that grabbed a lot of people's attention because they just naturally assumed that sort of thing has been taken care of in the 3½ years leading up to the rollout of ObamaCare.

We know the more people find out about this law—I liken it to an onion. With each layer of the onion you peel back, it just keeps getting worse and worse and worse. The law is proving to be even more unworkable and even more disruptive than its biggest critics could have even imagined.

But I wanted to focus my remaining moments on the floor on two issues: privacy and security. The ObamaCare Web site went live on October 1. But according to CBS News, a deadline for final security plans was delayed three times this summer. A final top-to-bottom security check was never finished before the launch. That is pretty astonishing, something as big, as widely anticipated, and as long planned for as the rollout of ObamaCare and its Web site, a security check was not even completed before it was rolled out on October 1.

Just think what it means. It means the administration was encouraging Americans to enter sensitive personal information onto the ObamaCare Web site, even though it knew the Web site was not secure. Of course, we know the Web site is not functioning properly now. White House officials continue to refuse to even give Congress the number of people who successfully navigated the ObamaCare Web site and signed up under the exchanges.

You know what that must mean. That must mean the number is embarrassingly small. But they are also scrambling to do damage control. The President is urging people to contact their local ObamaCare navigators to sign up for health insurance and suggesting: Maybe you ought to do it by paper or by telephone.

We found out that the same queue or foulup that makes it impossible to sign up over the Internet is present with paper applications or telephone applications as well. As I said, the President met with some of the ObamaCare navigators in Dallas, TX, today. I trust that the overwhelming number of these navigators are people who can be trusted with some of the most sensitive personal information we Americans have.

But the problem is, we do not know for sure because they have not been vetted. There is not even a criminal background check required. Remember, the navigators are going to be collecting some of the most sensitive personal information you have, including your Social Security number, your protected health information such as your past, present or future physical or mental health.

We passed a law, the Health Insurance Portability and Accountability Act, known as HIPAA, to protect this information because we recognized how sensitive it can be. Of course, the navigators are also collecting information about your physical or e-mail address, tax information, because, of course, the Internal Revenue Service is going to be instrumental in the implementation of ObamaCare.

There is no Federal requirement for background checks for individuals serving as navigators. This has to be a glaring oversight, something I would hope even the most ardent advocates for ObamaCare would acknowledge is a big mistake and needs to be fixed. But in the absence of thorough background checks and reliable oversight mechanisms, the navigator program could easily become a magnet for fraud and abuse.

We know what a big problem identity theft is already and how much havoc it can present for people's personal financial affairs and information. We also know how vulnerable things such as Web sites can be to cyber attacks, where people can collect information unbeknownst to the consumer. We have already heard some anecdotal reports about ObamaCare navigators, including a woman who had an outstanding arrest warrant at the time she was hired, along with former members of an organization known as ACORN that has had its own share of problems with corruption and lawbreaking.

As I said a moment ago, those people will be allowed to collect some of the most sensitive personal information that we have as Americans. Thinking of sensitive information, the most important provisions of ObamaCare, including the individual mandates, the employer mandates and the premium subsidies, will be administered by, you guessed it, the Internal Revenue Service, words that strike fear and trepidation in the hearts of many Americans, especially given the scandals the Internal Revenue Service has been embroiled in and the bipartisan investigations that are ongoing into the cause and solution to these scandals.

I know I speak for many of my constituents back home in Texas and perhaps many other Americans when I say that the last thing we ought to be doing is giving the IRS additional responsibilities until we have gotten to the bottom of the current scandals we are investigating on a bipartisan basis. We do not need to be giving them vast new powers to intrude into the lives of families and small businesses. As a matter of fact, I have introduced legislation that would prevent the IRS from performing this act. The last thing we want to do when they are having problems, when they are already having problems doing what they should be doing, is to give them more to do without solving the underlying problem.

Unfortunately, our friends across the aisle have blocked that legislation that would ban the IRS from its current role in administering ObamaCare. I would like to remind them that even if we ignore the agency's harassment of conservative organizations and ordinary American citizens engaging in their constitutional right to participate in the political process, we know the IRS has already shown contempt for the law by announcing it will issue ObamaCare's premium subsidies through the Federal exchanges, even though the law makes clear that premium subsidies are not available in the Federal exchange but only through the State exchange.

That is only a minor technical detail to the IRS. They are going to paper that over even though Congress provided to the contrary.

At some point the President needs to concede that the costs of ObamaCare

far outweigh its benefits. We can do better. The choice is not between ObamaCare and nothing; the choice is between ObamaCare and consumer-oriented alternatives that will increase competition, lower health care costs, and enable more people to be covered, together with reforms to Medicaid and perhaps even Medicare to make sure people have true access to health care coverage and not only a hollow promise.

At some point even the most ardent advocates for ObamaCare have to concede that it is broken beyond repair. I have to say that time is not on ObamaCare's side because each day brings a new revelation of more and more problems. Even some of our colleagues who voted in a party-line vote for ObamaCare and who voted in a party-line vote against any opportunity to reform ObamaCare are now saying—such as Senator MAX BAUCUS, one of the chief architects—hey, maybe we need to delay the penalties. Senator MARY LANDRIEU has or will introduce a bill saying we ought to enforce in law the President's promise that if you like what you have, you can keep it, which we now know is not true. Indeed, HHS and the administration knew in 2010 that tens of millions of Americans who liked what they had would not be able to keep their health care plan because of restrictive grandfathering provisions.

When the moment comes that Democrats and Republicans have come together to try to solve this problem—not by shoring up this fatally flawed structure known as ObamaCare which will never work—when they are ready to work with us across the aisle to enact alternative health care reform that reduces costs, expands coverage, and improves equal access to care—I look forward to that debate and that opportunity. I only hope that day arrives sooner rather than later, before ObamaCare wreaks more havoc and causes more uncertainty and hardship on the American consumer.

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

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

Ms. KLOBUCHAR. Mr. President, I come to the floor today in support of the Employment Non-Discrimination Act, also known as ENDA.

For my State it has been quite a year for equality. Last November we were the first State in the country to defeat a constitutional amendment banning marriage equality. Up to that point those amendments had passed. Then, just a few months later, earlier this year, Minnesota became the 12th State to allow full marriage equality—the 12th State in the country.

I am proud to represent our State. It has been a true civil rights pioneer. We can go back to the days of Hubert Humphrey, who once stood on this floor, and to his speech to the 1948 Democratic convention where he talked about standing for the people of this country, standing for people with disabilities, standing for the most vulnerable. That is the history of our State.

Before striking down the amendment banning marriage equality, Minnesota was one of the very first States to ban discrimination based on both sexual orientation and gender identity. That happened back in 1993. I would say that 20 years later it is time for the rest of the country to catch up.

That is not to say the country hasn't made great strides towards fairness and equality. I am proud of our progress. Through the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act we have made it a Federal crime to assault someone because of their sexual orientation or gender identity. It wasn't that long ago we were debating the Matthew Shepard bill on this floor. The Presiding Officer had not yet arrived here in the Senate, but I remember we had that debate several times through many years. We came close so many times and finally were able to pass it. That bill was about hate crimes and assault. The fact that we have now reached this level where we are talking about the Employment Non-Discrimination Act is truly a tribute to change in this country—the people of this country pushing for change.

Since the repeal of don't ask, don't tell, our gay and lesbian servicemembers who serve this Nation with honor and distinction can serve openly. That is something else that happened in this Chamber, something else someone predicted would never happen. Just this year, the Supreme Court took a major step towards marriage equality by striking down key parts of the Defense of Marriage Act.

But there is more to be done in our Nation's pursuit of equality. The rest of DOMA needs to be eliminated, and that is why I am a cosponsor of S. 1236, the Respect for Marriage Act. Federal benefits need to be guaranteed for domestic partners of Federal employees in States that haven't yet adopted marriage equality, as my State of Minnesota has, and that is why I am a cosponsor of S. 1529, the Domestic Partnership Benefits and Obligations Act of 2013.

As we discuss policies affecting LGBT Americans, we also need better data. We need to better understand the disparities people experience because of their sexual orientation and gender identity. That is why I am working to strengthen our data collection in these areas. And, of course, we need to pass ENDA—the topic before us today.

The bill before the Senate would be a major step forward for equality. I urge my colleagues to support the Employment Non-Discrimination Act because protections against discrimination in the workplace need to be extended to all Americans, no matter their gender identity or sexual orientation.

Americans have many different views on sexual orientation and gender identity, but I think we can all agree every person deserves to be treated with dignity in the workplace. In 29 States across the country it is still legal to fire someone based on their sexual orientation. In 29 States it is still legal to fire someone because they are gay, and currently there is no Federal law prohibiting this from happening. That is why we need ENDA and why I am a proud cosponsor of this bill.

The Employment Non-Discrimination Act will provide basic and necessary protections against workplace discrimination—protections just like the ones we have had in place in Minnesota since 1993. ENDA will allow all Americans to earn a living without fear that who they are or whom they love will cost them their job.

The law is not intended to give anyone any special treatment. It simply extends Federal employment discrimination protections such as the ones currently provided based on race or religion, and applies those now to sexual orientation and gender identity.

The American people are coming together behind this measure. More than two-thirds of people in this country, Democrats and Republicans alike, support a Federal law protecting LGBT individuals from discrimination in the workplace. The bill has the support of over 200 civil rights, religious, labor, and women's organizations. It upholds and protects religious liberty by exempting houses of worship and religiously affiliated organizations.

Companies and businesses big and small know that discrimination in the workplace hurts their bottom line. That is why, as the Senate chair of the Joint Economic Committee, I released a fact sheet on the economic consequences of workplace discrimination. It is easy to see why businesses are on the side of equality. A majority of the top 50 Fortune 500 companies say prodiversity policies increase profitability.

We have certainly seen that in Minnesota, where General Mills, a major company, came out this last year as a company—and their CEO—against the constitutional amendment that would have banned marriage equality. The CEO of St. Jude's—St. Jude, the company—did the same. The Carlson company—Radisson Hotels—did the same. You could go through a list of a number of large businesses in our States that say no to discrimination and yes to equality.

Why did they do that? I think many of them felt it was the morally right thing to do. But the other reason they did it is because it was good for business. One poll found that 63 percent of small businesses support greater legal

protections for LGBT workers. Workplace discrimination, as we know, diminishes workforce morale, lowers productivity, and increases costs due to employee turnover.

In our State we want to attract the best workers. If you cut off a whole bunch of workers and tell them this isn't really a good place to be because we won't let you get married or we are going to discriminate against you, it ends up hurting that State.

The same is true as we look at the global economy. It is true of the world. We want to be a country that welcomes people of all races to our country. We want to be a country that welcomes people of all religions. We want to be a country that welcomes people of different sexual orientations. That cannot be a barrier to entry in our country.

That is another reason, as we look at why this bill is so important—why it is important to business, why it is important to our economy—that we need to get this bill passed. When you treat people fairly and you focus on keeping and getting the best people, it is good for the bottom line.

The diverse coalition coming together in support of this bill reminds me of the people who came together in our State to defeat that divisive marriage amendment and to enact marriage equality. By bringing together civil rights organizations, religious groups, businesses, and Americans from across the Nation—Republicans, Democrats, and Independents—we sent a clear message: Support fairness, support equality.

I hope my Senate colleagues will join me in supporting this important legislation, just as 61 of us did on the vote on Monday evening.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. MURKOWSKI. Mr. President, I want to follow my friend and colleague from Minnesota in explaining why I too support the Employment Non-Discrimination Act, known as ENDA.

As she has very well articulated, the notion that somehow or other discrimination of any kind against anybody should be allowed in our workplaces is something I hope we would be able to, on a bipartisan basis, come together on from all corners of the country and recognize this is not an acceptable direction, this is not a place or a process we should endorse.

As we all know, current law protects against discrimination in the workplace for many classes of individuals. Many of us have been involved in working to refine these laws that protect against discrimination—discrimination that affects employment practice not on the basis of the merit of one's work or qualifications, but solely on the basis of factors unrelated to an individual's work experience, such as race, ethnicity, national origin, religion, age, disability, and sex or gender. We have made sure to put in place these protections against discrimination in the workplace for these classes, these categories of individuals. But we now need to do the same for those in the LGBT community, for whom discrimination on the basis of sex does not apply. ENDA bridges that gap, and it is time that gap was closed. In fact, that separation that has been in place is eliminated here.

Discrimination should never be tolerated in any workplace. It just should not be tolerated in any workplace or, really, anywhere for that matter. It is just pretty simple—no discrimination. I am a strong believer that individuals should be judged on the merit of their work and not how they look or how they are perceived to be.

Folks sometimes look at Alaska through a different lens. They think you are out of sight, out of mind up north. We have a small population with just a little over 700,000 people, but our communities across the State host a very significant LGBT community. In the three largest cities—Anchorage, Fairbanks, and Juneau—by some estimates we are told we rank in the top half of cities around the country with 50 or more same-sex couples. So in the population centers in Alaska, we have what I would describe for a State with a small population a very significant and important part of our community, because the contributions that come to our community because of those within the LGBT community make us, quite honestly, a better place—a better place to live and work and raise a family. And I believe that strongly.

We have a diverse population. A lot of people don't recognize or think about our ethnic diversity up north. We actually have the most ethnically diverse neighborhood in the United States of America in my hometown of Anchorage, in the neighborhood of Mountain View. In the elementary school where my kids spent their early years, there were over 50 home languages of the students in that neighborhood school. It is a pretty diverse community. It is a very rich community because of our diversity. Part of that diversity comes to us through the LGBT community. And they are white, black, Hispanic, Native, urban, and rural; they are the active military and our veterans' population; they are young and they are old. They are very involved and very engaged in our workforce.

Several weeks ago, the National LGBT Chamber of Commerce hosted their president in Anchorage for their weekly chamber presentation. For our community's chamber, it was an interesting enough speaker that the local newspaper actually did an advanced story about it. There were some who were a little anxious and concerned that perhaps this would bring out some aspects of the community who would say: We don't want to see discrimination end in our workplace; we don't want to be welcoming of our LGBT community. As it turned out, it was exactly the opposite. The reception at the chamber meeting was one of inclusion and one of a desire to truly embrace the economic opportunities that come with a community which embraces all people, all genders, and truly all Americans.

When we were approaching the markup of ENDA in the Health, Education, Labor, and Pensions Committee, there was considerable outflow of support and communications from constituents all over the State. They shared their stories of employment discrimination for a host of different reasons. They told that they were discriminated against because they were too gay, they were discriminated against because they were too feminine or too masculine for their place of employment, and in terms of the outcry from constituents in saying: Please finally address this, please ensure that in our workplaces there is no discrimination; there is not only a friendly workplace, but a workplace where we are free from any form of retaliation.

Like any proposed legislation that affects employers and employees alike, I believe we have to find appropriate balance. We have to strike that between protecting employees against discrimination in the workplace and making sure that employers are not unduly burdened with compliance costs. I think we recognize that. We have to find this appropriate balance among legal remedies and redress.

I am pleased the Senate has adopted Senator PORTMAN's amendment today, which I have supported, which protects religious employers from retaliation by the government when they adhere to their religious convictions and then also clarifies the importance of protecting religious freedom as part of ENDA. I think that is an improvement to the bill, and I am pleased we have been able to advance that.

I wish to recognize Senator MERKLEY for his leadership on this issue—I think from the very time he came here to the Senate, he has approached me in discussion about advancing the ENDA legislation, ensuring that from the perspective of our workplaces there is full equality, there is no discrimination within the workplace—and Senator KIRK, for his leadership in this initiative as well.

I am also pleased we are going to have an opportunity tomorrow to hopefully advance this bill fully and finally through the floor of the Senate. It is well past time that we, as elected representatives, ensure that our laws protect against discrimination in the workplace for all individuals, and we ensure those same protections for those within the LGBT community. I look forward to the vote tomorrow, and

hope there is strong support for ensuring a level of fairness throughout our workplaces in this Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise to thank the Senator from Alaska for her powerful endorsement of this bill. She is a member of the HELP Committee. Along with Senators MARK KIRK and ORRIN HATCH, she led the Republican support for this bill when it was being considered by the HELP Committee.

I believe the Senator from Alaska did an extraordinary job of outlining why this bill should pass and why it must pass. It is a matter of fairness, and it is a matter of demonstrating that there is simply no place in the workplace for discrimination.

It is significant that most of our large businesses and many of our smaller ones have voluntarily adopted antidiscrimination policies. They have done so because they want to attract and retain the best and brightest employees they can find. They know that sexual orientation and gender identity are irrelevant to an individual's ability to do a good job. What counts are qualifications, skills, hard work, and job performance. The legislation—which I am very hopeful we will pass tomorrow—will help ensure that is the focus in workplaces throughout America.

As the Senator from Alaska has pointed out, however, we were also very careful to respect religious freedom and liberty in this bill. I agree with her assessment that the amendment offered by Senator PORTMAN and his colleagues helps strengthen that part of the bill by prohibiting any retaliation against religious organizations or employers who legitimately qualify for an exemption under ENDA. We want to make sure those employers receive and are able to compete for Federal grants and contracts just as those employers and businesses which are not exempt under this bill can compete for Federal contracts and grants. So I believe the Portman language does strengthen the bill.

I hope we are on the verge of making history tomorrow by passing this bill with a strong vote. I then hope our colleagues on the House side will follow suit, and that we can see this bill signed into law.

But my purpose in rising once again today is to thank the Senator from Alaska for her strong support, and for making a very powerful argument and for sharing the experiences in her State. I am sure her words help reinforce the support for this highly significant legislation.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I also thank the Senators who are gathered here today for their stalwart support. Senator MERKLEY, whom Senator MURKOWSKI mentioned, from the day he got to the Senate and actually before when he was in Oregon, has been working on this issue; and also Senator COLLINS for working with Senator KIRK and the leadership and the courage she has shown on nearly every issue that has come before this Chamber; and then Senator MURKOWSKI. I love that she can talk about Alaska's sense of independence and their belief that you treat people well and you don't discriminate against them, and the picture of her in her neighborhood with all the diversity. I think a lot of people in other States don't expect that of Alaska but anyone who has visited there sees it firsthand.

Senator PORTMAN's amendment is a good amendment. The Presiding Officer is the other senator from Ohio. I was going through my Twitter feed while watching the election coverage last night and came across a tweet from Senator PORTMAN's son Will, who is in college. The tweet talked about his dad's vote on ENDA, and it said: Way to go, Dad. So I urge my colleagues or anyone who wants to get a tweet from their own kids or nieces, nephews, or grandkids—who seem to understand a little more quickly than some of our Members here how important it is to treat people fairly—that they too, if they vote with us, can get a tweet from some young person which says: Way to go, Senator.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MERKLEY. I want to take the opportunity to say a word or two while our colleagues from Alaska and Maine are here. These two colleagues, representing the far northwest and far northeast of the United States, have brought so much wisdom and so much determination to this topic of treating all citizens with respect, providing all citizens with a full measure of liberty to be deeply engaged in every aspect of American life. That certainly includes the workplace, and that topic, discrimination in the workplace, is before us today.

Senator COLLINS was the chief Republican sponsor for the first 2 years I was in the Senate. She passed on the baton to Senator KIRK but did not stop championing this bill, and late last night was working and has been holding meetings for the many days and weeks that have led up to this moment—and over the years that have led us to this moment. I say thank you very much to the senior Senator from Maine for her engagement and advocacy of fairness for all Americans.

My colleague from Alaska, it was a pleasure to exchange voice mails as we prepared for the Monday night, knowing that she would not be able to be here for that vote but was sending good wishes. We were uncertain whether we would have 60 votes that night or whether we would have the floor open until midnight or whether we would be voting the next day in order to have her support be the support that put us over the top. But long before that vote occurred she too was talking to her colleagues, noting that freedom for American citizens means freedom to pursue your mission in life, your meaning in life through your work. Discrimination in the workplace diminishes the individual and diminishes the full potential of our Nation as well.

We are now all hoping that we will be able to have final votes on amendments and votes to close debate and to have a final vote sometime tomorrow. That work is not yet done. The path before us may still have unexpected challenges to be overcome. But as we overcome them and approach that final vote, it will be in large measure because of the terrific work of these two colleagues.

I yield.

The PRESIDING OFFICER. The senior Senator from Delaware is recognized.

TRIBUTE TO CHARLES A. ''CHAZZ'' SALKIN

Mr. CARPER. Mr. President, my wife ran into one of our old colleagues the other day, a guy named Ted Kaufman. He was the interim Senator who succeeded JOE BIDEN and held down that slot for 2 years until Senator CHRIS COONS was elected on his own, not that long ago. One of the things I loved about Ted was, every month he would come to the floor and he would talk about a different Federal employee. Sometimes I heard our colleagues or would hear other people talk about Federal employees or State or local employees as nameless, faceless bureaucrats in a derisive way, uncomplimentary and, I expect, dispiriting.

The folks who serve in the Federal Government or State and local government do so usually not because it pays a lot of money or because they get huge bouquets and a lot of credit but because they want to do something constructive with their lives.

Ted used to do that every month when he would come to the floor. This is like a shout-out to him because I heard about a fellow in Delaware who decided to step down after a great career of public service and I want to take a few minutes, if I could, to talk about him. The person I have in mind today is the fellow who is stepping down as the director of our Delaware Division of Parks and Recreation. His name is Charles A. Salkin. We call him Chazz. He was appointed the director of the division a couple of months before I became Governor. He was appointed on June 1, 1992. He continued to serve

with distinction in that capacity, leading the Division of Parks and Recreation for the 8 years I served as Governor, and then he went on to serve for two more Governors after me. He served Republican Governor Mike Castle before me, and a Democratic administration, for a total of four Governors.

That doesn't happen everyday in every State. When you get those kinds of opportunities it must mean you are pretty good. In his case he was very good.

He is now retiring from the post after more than 35 years of service to the people of our State. For over three decades he has been a tremendous leader and real advocate for the educational, for the mental, for the physical benefits of State parks.

He is also a devoted husband to his wife of 40 years, a woman named Sue, who is very accomplished in her own right. She recently retired as deputy director of the Delaware Division of the Arts. They have a daughter Emily, who I believe is now grown.

It is kind of interesting to see where they pull up their anchors and sail off into the sunrise. But, Chazz and Sue, we thank them for the great service to the people of our State and wish them and Emily well. Their hard work and creativity and dedication will be missed a whole lot. We will remember for many years the tremendous contributions they have made.

Since 1978, Chazz has played an active role in the expansion of Delaware's open space areas and in the development of programs that introduce Delawareans and visitors of all ages to the historical and recreational benefits of our State parks. As he steps down from the position as director of the Delaware Division of Parks and Recreation, we give him our sincere thanks and thank his staff too for their diligent and longstanding efforts to maintain Delaware's reputation as having one of the most dynamic and innovative park systems in the Nation.

Throughout his career, Chazz has been a visionary whose creativity and forward thinking has changed the very nature our State park system. From the institution of zip lines to kayak rentals, Chazz has done a tremendous job of inspiring the love of nature in just about all Delawareans. He has played an important role in securing Delaware's footprint in the national park system with the recent naming of the First State national monument.

Delaware was the first State to ratify the Constitution. William Penn came to America through Delaware. One of the oldest houses in all of North America is in Lewes, DE, apparently a Dutch settlement some 275 years ago. We were the first State to ratify the Constitution. We have done a lot of ''firsts'' for a little State.

We do not have a national park. We have been working on it for a number of years with Chazz, and now CHRIS COONS and JOHN CARNEY have taken up the mantle.

We have a First State national monument. We are thankful for that. Thank you, Vice President BIDEN.

We have been knocking on the door for a national park. Chazz and his people have been great laborers with us in that effort.

Chazz's research, his professional leadership, and personal membership in all kinds of organizations such as the National Association of State Park Directors and the National Association of State Outdoor Recreation Liaison Officers, have also supported Delaware's natural resources and emphasized our State parks' value to Delaware's financial success.

In places such as Oregon, Senator MERKLEY, the Presiding Officer from Ohio, Senator COLLINS, who is still on the floor—their States have wonderful national parks. As it turns out, the top destination, tourist destination for people who come to the United States from other countries is our national parks. We don't have one in Delaware. We want one. In the meantime our State parks have sort of filled the gap. We have some State parks of which we are real proud. One of the guys who worked very hard to make them something we can be proud of is Chazz Salkin.

He has undoubtedly left a legacy of achievement, persistence, and passion with the members of the Parks and Recreation team that included hundreds of people over the past 35 years. We in the State of Delaware are truly grateful for everything Chazz has done to protect our State's beauty and history.

On behalf of Senator CHRIS COONS, our colleague here in the Senate, on behalf of JOHN CARNEY, our lone Congressman over in the House, we wholeheartedly thank Chazz for 35 years of service to the State of Delaware. His model leadership and dedication have improved the quality of life for visitors and residents who come to our State from all over the world. We offer our sincere congratulations on a job well done and wish him and Sue and their family many happy and successful years to come.

We struggle at the Federal Government to pay for things. We struggle at the State level to have the revenues to pay for the kinds of services our citizens want. One of the things I especially admired in the work done by Chazz Salkin is a growing reliance, over time, on inviting people—could be young people, could be older people, could be retired, maybe not, could be students, could be senior citizens, but people who would like to volunteer some of their time to help in our national parks. It will be interesting to be able to look at the number of volunteer hours that have been amassed over the years in service to our national parks and compare that on a per-capita-basis to the rest of the country. I think we stack up pretty well.

One of the things we have done in our State, in no small part because of Chazz's leadership, is to invite volunteers to come in to help out, to make our parks better than they ever were before and to benefit from that by feeling they helped us to accomplish something really good for now and for a long time in the future.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. CARPER. I will be happy to yield.

The PRESIDING OFFICER. The leader is recognized.

Mr. REID. Mr. President, I appreciate the courtesy of my friend from Delaware. He and I have been together for 31 years and I appreciate him. I wanted to make sure Senator COLLINS was on the floor.

Mr. President, I withdraw my motion to proceed to Calendar No. 236, H.R. 3204.

The PRESIDING OFFICER. The motion is withdrawn.

EMPLOYMENT NON-DISCRIMINATION ACT OF 2013—Continued

Mr. REID. I ask the Chair what the pending business is now before the body.

The PRESIDING OFFICER. S. 815 is now the pending question.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

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 S. 815, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

Harry Reid, Tom Harkin, Jeff Merkley, Patrick J. Leahy, Tom Udall (NM), Mark Begich, Brian Schatz, Al Franken, Barbara Boxer, Richard J. Durbin, Christopher A. Coons, Tammy Baldwin, Debbie Stabenow, Benjamin L. Cardin, Sheldon Whitehouse, Patty Murray, Barbara Mikulski, Kirsten E. Gillibrand.

Mr. REID. Mr. President, I want the record to reflect also that Senator JEFF MERKLEY is on the floor, who has been instrumental in allowing us to get to the point we are on the bill.

I ask unanimous consent the mandatory quorum under rule XXII be waived.

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

UNANIMOUS CONSENT AGREEMENT—S. 815

Mr. REID. Mr. President, I ask unanimous consent that at 11:45 a.m. on Thursday, November 7, the motion to recommit and the pending amendments to the underlying bill be withdrawn; that the Reid of Nevada amendment No. 2020 be withdrawn; that no further motions to recommit or points of order be in order and the Senate proceed to vote in relation to the pending Toomey