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House of Representatives

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

Senate

MONDAY, NOVEMBER 4, 2013

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

PRAYER

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

Let us pray.

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

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

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

EMPLOYMENT DISCRIMINATION

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

robust protections against this type of discrimination. Officer Carney testified before the House of Representatives in 2007 and shared his story. This is what he said:

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

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

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

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

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



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S7781

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

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

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

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

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

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

HEALTH CARE

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

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

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

THIS IS WHY WE NEED OBAMACARE

(By Nicholas D. Kristof)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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