

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

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

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

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

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

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

As I said, it has been a long time coming for this bill, when we think

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### HEALTH CARE

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

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

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

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

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

The Fact Checker wrote:

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

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

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

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

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

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

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

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

States were more competent than the administration.

Continuing to quote the article:

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

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

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

Referring to the President, they go on to say:

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

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

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

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

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

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

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

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

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

But less than 3 months after the President signed his health care law, the administration issued a regulation setting very specific criteria these health plans had to meet in order to be grandfathered. The regulation dismantled

the section of the law by placing unreasonably tight restrictions on grandfathered policies. Now, any routine change made to a grandfathered insurance plan immediately breaks the Democrats' promise that Americans can keep their health insurance.

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

I also want to take the time to recognize the 55 cosponsors of this bill, both Democrats and Republicans, who made a commitment to ending discrimina-

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

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

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

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

My home State of Wisconsin was the first State in the Nation to add sexual orientation to its antidiscrimination laws. At the time, back in 1982, only 41 municipalities and 8 counties in the United States offered limited protections against discrimination based on sexual orientation. Wisconsin's efforts to pass the Nation's first sexual orientation antidiscrimination statute were supported by a broad and bipartisan coalition, including members of the clergy, various religious denomina-

tions, medical and professional groups. The measure was signed into law by our Republican Governor, Lee Sherman Dreyfus, who based his decision to support the measure on the success of municipal ordinances providing similar protections against discrimination.

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

Finally, it is simply right to pass this bill. We cannot in this day and age

countenance legal discrimination against qualified employees and applicants. It is time that we enact this bill.

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

Thank you, Madam President. I yield the floor.

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

#### HUMAN RIGHTS CAMPAIGN—MAINE HEADQUARTERED COMPANIES AND ORGANIZATIONS WITH GENDER IDENTITY AND SEXUAL ORIENTATION NON-DISCRIMINATION POLICIES

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

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

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

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

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

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

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

State of Maine.

#### BUSINESS COALITION FOR WORKPLACE FAIRNESS

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

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

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

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

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

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

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

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

Mitchell Gold + Bob Williams, Taylorsville, NC; Moody's Corp., New York, NY; Morgan Stanley, New York, NY; Motorola Inc., Schaumburg, IL; Nationwide, Columbus, OH; The Nielsen Co., Schaumburg, IL; Nike Inc., Beaverton, OR; Oracle Corp., Redwood City, CA; Orbitz Worldwide Inc., Chicago, IL; Pfizer Inc., New York, NY; PricewaterhouseCoopers LLP, New York, NY; Procter & Gamble Co., Cincinnati, OH; QUALCOMM Inc., San Diego, CA; RBC Wealth Management, Minneapolis, MN; Replacements Ltd., McLeansville, NC; Robins, Kaplan, Miller & Ciresi LLP, Minneapolis, MN; Self-Help Credit Union, Durham, NC; SUPERVALU Inc., Eden Prairie, MN; Teachers Insurance and Annuity Association—Col-

lege Retirement Equities Fund, New York, NY; Tech Data Corp., Clearwater, FL; Texas Instruments Inc., Dallas, TX; Thomson Reuters, New York, NY; Time Warner Inc., New York, NY; Travelers Companies Inc., New York, NY; UBS AG, Stamford, CT; US Airways Group Inc., Tempe, AZ; WellPoint Inc., Indianapolis, IN; Wells Fargo & Co., San Francisco, CA; Whirlpool Corp., Benton Harbor, MI; Xerox Corp., Stamford, CT; Yahoo! Inc., Sunnyvale, CA.

The PRESIDING OFFICER. The Senator from Illinois.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### EXECUTIVE SESSION

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

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

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

The legislative clerk read the nominations of Gregory Howard Woods, of

New York, to be United States District Judge for the Southern District of New York and Debra M. Brown, of Mississippi, to be United States District Judge for the Northern District of Mississippi.

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

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

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

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

I also find the Senate Republicans' newfound concern about judicial emergency vacancies particularly rich with irony given their role in preventing this President from filling many of those vacancies. In fact, nearly half of the emergency vacancies are empty because of Republican obstruction. First, there are 15 judicial nominees pending before the full Senate, including 7 nominees who would fill judicial emergency vacancies if the Republicans would allow us to vote on them today: Elizabeth A. Wolford, to be U.S. district judge for the Western District of New York; Brian Morris, to be U.S. district judge for the District of Montana;

Susan P. Watters, to be U.S. district judge for the District of Montana; Brian J. Davis, to be U.S. district judge for the Middle District of Florida; James Donato, to be U.S. district judge for the Northern District of California; Beth Labson Freeman, to be U.S. district judge for the Northern District of California; and Pedro A. Delgado Hernandez, to be U.S. district judge for the District of Puerto Rico. Instead, Republicans continue to force many of these nominees to wait needlessly on the Senate floor.

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

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

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

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