

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

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

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

She is not alone.

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EMPLOYMENT NON-DISCRIMINATION ACT OF 2013—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order the Senate will resume consideration of the motion to proceed to S. 815, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 184, S. 815, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

The PRESIDING OFFICER. The majority whip.

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

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

UNIONS IN AMERICA

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

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

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

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

THE AFFORDABLE CARE ACT

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

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

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

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

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

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

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

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

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

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

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

into medical services, not taken out in profit and marketing.

We also say that if you have a health insurance policy, your son or daughter can stay under it until they reach the age of 26. That is important to every family with a graduating college student or someone looking for a job in the household. They may not find a job, or if they do, it may not have benefits. Don't you want the peace of mind as a parent to know that up to age 26 you can keep them on the family policy?

I have just given you five parts of so-called ObamaCare, five parts that have to be written now into every health insurance policy and five reasons why many companies are saying: We have to cancel the old policy and reissue a new one consistent with these five principles, with these five protections. That is why many of these policies are being rewritten. The President should have been more expansive in his explanation, but the fact is that is the story. That is what the Affordable Care Act does.

I hear the Senator from Kentucky tell us that 120,000 people may face a new policy. I would like to ask, what is the normal turnover in health insurance policies in his State or other States. It happens with some frequency. It is estimated that 17 million Americans are going to have help in paying for their health insurance because of the Affordable Care Act. That means some will qualify for Medicaid. That means others will receive tax credits and tax benefits to help with their health insurance payments.

We are moving toward a society that has health insurance protection for all, and that is good, not just for the peace of mind of each and every individual and family affected by it but also because the system becomes more just, more fair. Uninsured people get sick. They go to the hospital. They go to the doctor. They incur bills, many of which they cannot pay, and that burden is shifted to everyone else in America.

Let's accept the personal responsibility of health insurance. Let's move forward as the Presiding Officer's State of Massachusetts has already done. Some 98 percent, I understand, has health insurance protection in the Commonwealth of Massachusetts, thanks to the leadership of Governor Mitt Romney and the cooperation of both political parties. Massachusetts has shown us the way. Let's follow that now. Let's not turn our back on it.

The last point I will make on this issue is that I keep hearing from the Republican side they have a better idea. What is it? I would like to see the proposal from the Republican side that they would put up against the Affordable Care Act. You will never see it because they basically believe: Let the market work its will. The market working its will has resulted in 40 to 50 million uninsured Americans. The number is growing, and it should not, it will not, under the Affordable Care Act.

Mr. President, I would like to address the business pending before the Senate: the Employment Non-Discrimination Act.

It was about 20 years ago that I first heard the name Margaret Cammermeyer. I had no idea who she was, but I read about her, and it turned out she was a remarkable woman. She started off during the Vietnam era as a combat nurse in the Air Force. She risked her life in Vietnam to save the lives of those who were in battle and those who were injured and wounded. Then, after the war, she rose through the ranks and became a colonel in the U.S. Air Force.

There came a time when she had to make a disclosure, a regular disclosure, and in that disclosure she said, for the first time publicly, she was gay. Margaret Cammermeyer, a colonel in the Air Force, conceded she was gay. As a result of that concession and statement, she was discharged from the Air Force. Had she done anything wrong? Not a single thing. She had done everything right, including risking her life as a combat nurse in the Air Force and moving up through the ranks with a stellar record. But her admission that she was gay in those days, 20 years ago, was grounds for her discharge from the U.S. Air Force.

I never met her, but I heard her story and thought: That is just plain wrong. She served our country and served it well, and to discharge her from the military because of this admission is just unfair.

The first time I ever saw her was a few years ago. President Barack Obama was signing into law the repeal of Don't Ask, Don't Tell. I was in the audience when that signing ceremony took place, and they called the name: Margaret Cammermeyer, for her to come up and lead us in the Pledge of Allegiance. It was the first time I had ever seen her.

I remember that day also because there was a rabbi who gave an invocation. He said in this invocation that if you look into the eyes of another and you do not see the face of God, at least see the face of another human being. How apropos that Margaret Cammermeyer would lead the Pledge of Allegiance and the rabbi that invocation because it really calls into sharp focus what is pending on the floor of the U.S. Senate.

We waste too many hours and too many days and too many weeks on Capitol Hill with government shutdowns, threats of defaulting on our debt, but every once in a while this Senate and this Congress can rise to the challenge and do something of a historic nature. Yesterday was one of those days. Yesterday, on the floor of the Senate, with 61 votes, we voted to move forward on the Employment Non-Discrimination Act. Here is what it says: that you cannot discriminate against a person because of their sexual orientation or sexual identity.

What I thought was unfair about Margaret Cammermeyer—dismissing

her not for anything she had done but for who she was—can happen now in more than half of the States. In more than half of the States, there is no protection against discrimination based on a person's sexual orientation or sexual identity. It means that in those States, you can literally be fired, denied a promotion, denied a raise, simply because of your sexual orientation. That is not right.

Hiring, promoting and retaining employees based on performance is not only the right thing to do, it helps American business attract and retain the best and brightest employees.

Attracting and keeping the best and the brightest employees is essential to succeeding in a global economy. That is why 88 percent of Fortune 500 companies already have policies preventing discrimination on the basis of sexual orientation.

More than 100 companies have already endorsed this bill, including a number of leading companies in my home State of Illinois such as Motorola, GroupOn, Hyatt Hotels, BP America, Orbitz, Nielsen, Miller Coors, HSBC North America, and others.

It is time that Federal law caught up with the best practices that have already been adopted by leading companies across the country.

Luckily, we had bipartisan support last night. Seven Republicans joined us in voting to move forward on this bill. I came to the floor yesterday to thank one of them who spoke, Senator COLLINS of Maine. Her statement in the CONGRESSIONAL RECORD is an important one for everyone to read.

But I would like to call attention, as well, to my colleague Senator MARK KIRK of Illinois, a Republican, who came to the floor of the U.S. Senate yesterday and gave his first speech on the floor in 2 years. You see, my colleague suffered a stroke, and as a consequence he has gone through a lengthy rehab and hospitalization, and he has really made a remarkable comeback.

I was here on the day when he walked up the steps of the Capitol to the Senate, and there were people of both political parties, Senators cheering him on, as they should. I have watched his progress ever since, and it is remarkable. His determination to serve our State and Nation continues.

Yesterday, he gave his first speech on the floor in 2 years. That speech was brief, but it was important. I would like to quote from my colleague's speech. This is from Senator KIRK's statement yesterday in the CONGRESSIONAL RECORD:

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

It was a brief statement but it was important. Senator KIRK joined in a bipartisan effort to move this bill forward. I searched the CONGRESSIONAL

RECORD. I searched the CONGRESSIONAL RECORD of yesterday to look for one statement in opposition to the Employment Non-Discrimination Act. There is not one. There was a specific opportunity given for anyone opposed to that measure to stand and speak. Senator TOM HARKIN of Iowa supported it. He spoke eloquently from this desk yesterday before the vote, and then time was allocated to those in opposition. No one stood to speak. But then 30 voted against it.

So what I would like to do is encourage my colleagues to take, in the spirit of Senator KIRK and Senator COLLINS, this opportunity for us to truly do something in a bipartisan way. Let us move this Employment Non-Discrimination Act forward, and let us do it with dispatch. We know it is the right thing to do. America is not a stronger nation when there is discrimination anywhere—anywhere—including the workplace, and this bill will end that form of discrimination.

There are those who say: Well, you are just wasting your time, Senator, because Speaker JOHN BOEHNER of Ohio has already announced that he not only opposes this, he will not let it see the light of day in the House of Representatives.

The Presiding Officer served there for many years; I did as well. The Speaker has lots of control in the House. He can decide what is going to come to the floor and what will not come to the floor. Unless a majority of the Members of the House overrule him with a discharge petition, he usually has his way. But if we can show a strong bipartisan vote, even beyond the vote yesterday, when seven Republicans joined the Democrats in trying to end this form of discrimination, then perhaps we can prevail on the House of Representatives to move forward in what Senator HARKIN characterized as a historic achievement putting an end to discrimination.

There was a time in our country when it was perfectly acceptable to refuse to hire or even interview someone based solely on the color of their skin, their religion or gender. It wasn't easy, but Congress ultimately corrected this wrong by passing title VII of the Civil Rights Act.

At one time, employers could fire someone solely because of their age. Congress recognized this was wrong and passed the Age Discrimination in Employment Act to put an end to age discrimination.

There was also a time in our country when an employee could be passed over for a promotion solely because they were living with a disability, even if they were the most qualified person for the position. The Americans with Disabilities Act put an end to this type of discrimination.

We now have an opportunity to outlaw one of the last vestiges of discrimination in the workplace. All Americans deserve an equal opportunity to succeed or fail in their jobs based solely on their ability and performance.

This is our opportunity to take a historic stand against discrimination. Passing ENDA is our chance to get on the right side of history and close an embarrassing loophole in our Nation's employment laws.

I urge my colleagues to support the Employment Non-Discrimination Act so that all Americans have an opportunity to excel in the workplace based on their job performance—not who they are or who they love.

We will be a better nation for it. Both political parties should gather together all the political strength and support they have to make this a reality.

I yield the floor.

The PRESIDING OFFICER. The Republican whip.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

Mr. CORNYN. I see my colleague from Maryland is here. I promise I will not take all of that time.

During the debate over ObamaCare back in 2009 and 2010, the President repeatedly and unequivocally promised his fellow Americans that if they liked their current health care plan, they could keep it. By one account, there were as many as 29 different times where the President was captured on videotape making that same unequivocal commitment. This was not an off-the-cuff remark or a casual throwaway comment, it was essential to the President's entire argument selling ObamaCare.

I heard the distinguished majority whip from Illinois talking about the reasons why ObamaCare was so important, suggesting that you could not cover preexisting conditions or even young adults up to the age of 26 unless you accepted the whole package, the whole enchilada, as we would say in Texas. Well, that is not true. The truth is we are committed to dealing with preexisting conditions, we are committed to helping people be able to buy and afford health care coverage. What the President sold in 2009 and 2010 was basically sold under false pretenses, as it turns out. If Americans had known that ObamaCare would result in them losing their current coverage which they like, it never would have become law. According to one estimate, as many as 3.5 million people will lose their current health insurance coverage.

I have heard the revisionist history here on the floor and elsewhere. They are trying to change the commitment. Rather than: You can keep your current coverage if you like it, period, which is what I know the President said at the American Medical Association and many other times, now they are trying to tweak that and say: If it is not otherwise changed or canceled by our insurance company.

Well, that is not what the President said then. That is not what the Amer-

ican people heard. That is not the basis upon which ObamaCare was sold to the American people in 2009 and 2010. When President Obama campaigned for reelection in 2012, he reiterated his promise from 2009 and 2010, again a remarkably consistent message from the President. He said: If you liked your existing plan and you wanted to keep it, you had nothing to worry about.

Here is the exact statement the President made on June 28, 2012, at a White House press conference. "If you are one of the more than 250 million Americans who already have health insurance, you will keep your health insurance." That is a direct quote, no qualifiers, no caveats—a simple unequivocal promise. However, way back in 2010 we now learn that the Obama administration itself issued the very regulations which have made, keeping this promise impossible. Indeed, the 2010 ObamaCare regulations acknowledged that between 40 to 67 percent of all policies in the individual market would lose their grandfathered status by 2014 and must be required to meet the costly mandates in ObamaCare. In other words, at the same time the President was making the promise, his own administration acknowledged that the regulations they were passing would make it impossible to keep it.

Well, as you can imagine, people are increasingly frustrated by these broken promises.

I recently set up a Web site in my office where my constituents can let me know how their personal health care coverage has been affected by the implementation of ObamaCare. I hope if others who perhaps may hear my comments on the floor this morning have stories they would like for us to be able to tell to explain how these broken promises have resulted in their inability to keep what they have, they will let us know on our Web site. It is cornyn.senate.gov. I plan to forward these stories to the President.

One woman from Livingston, TX, over in East Texas, writes:

My health insurance is being canceled due to the Affordable Care Act. My insurance company offered a plan . . . that I can keep until 2014. Guess what? It's 19 percent more a month than my current plan and drops coverage for laboratory and imaging studies.

So not only is it more expensive, it actually reduces the coverage. Going on, she said:

In December 2014, I'll have to change it again. Premiums for myself and my husband at that time will increase 100 percent each, which will equal just about half—50 percent—of our gross monthly income. What exactly are we supposed to do?

Another woman from Pampa, TX, up in the Texas Panhandle, writes that her monthly health insurance premiums have increased by 30 percent already over last year, and now her policy is being canceled altogether because of ObamaCare, so she has to purchase a new health insurance policy that will cost, in her words, "much more" than her existing coverage.

As her letter indicates, many of the folks losing their insurance will be forced to buy a new ObamaCare-approved policy from an online exchange which does not even work yet. It is no wonder that a growing number of our friends across the aisle are beginning to wonder: Why did the administration not extend the open enrollment period beyond March 2014? They realize they were marching in lockstep with the President when he made these promises, and the fact that these promises are not being kept is a political liability for them. At the very least it is a hardship for their constituents that they would like to see rectified.

Why is the ObamaCare Web site malfunctioning? It is an important question. But it is again just the tip of the iceberg. Remember, ObamaCare became the law of the land more than 3½ years ago. I think most people are astonished to learn that. Some news reports I have read said that people thought ObamaCare had already been fully implemented, we have been talking about it for so long. But by design, it was created to be implemented over a many-year period of time. I think that was a terrible mistake, because the political accountability that comes with implementing a law and then having to live with the political consequences of not delivering on your promises has now been delayed.

But 3½ years ago the administration should have gotten prepared to roll out its signature legislative achievement. According to CBS News, one of President Obama's top outside health care advisors sent the White House a memo back in May of 2010 warning them that ObamaCare was spiraling out of control. This memo came from Harvard economist David Cutler and reads in part:

I do not believe the relevant members of the Administration understand the President's vision or have the capability to carry it out. . . . You need to have people who have the understanding of the political process, people who understand how to work within an Administration, and people who understand how to start and to build a business, and unfortunately, nationally they just didn't get all of those people together.

Republicans have for years been warning that this government takeover of one-sixth of our economy, this central planning scheme, social engineering, if you will, would not work. At the very least, the Federal Government has proven itself incompetent on making something this big and this complicated and this expensive work as advertised, it is becoming increasingly clear. We spent years warning that ObamaCare would force many Americans to lose their existing coverage. We spent years warning that ObamaCare would limit patient choices and reduce health options. We have spent years warning that the law itself would prove to be unworkable. Now it appears that many of those warnings have come true. We are reiterating our call to dismantle ObamaCare and to replace it with patient-centered reforms that will

help bring down the cost, will not limit patient choices, and which will address most of the biggest problems in our broken health care system.

There are other areas such as pre-existing conditions, young adult coverage, that we could readily agree on. Those are not debatable. I think the fact that the distinguished majority whip has suggested you have to have ObamaCare in order to get those is a gross exaggeration.

Remember, ObamaCare was sold as a policy that would expand health care coverage without raising costs, and without disrupting anyone's existing health care arrangement. It has proven to be a false promise on both of those counts. Despite the promises made in 2009 and 2010, promises that were repeated on the campaign trail in 2012, it is becoming increasingly evident that ObamaCare is making it harder for Americans to get or to keep the insurance coverage they already have, and which they want.

By the way, ObamaCare was sold to the American people as a way to get everybody covered with insurance. The Congressional Budget Office has documented that as many as 30 million Americans will remain uncovered even after ObamaCare is fully implemented. So you have not met the goal of universal coverage, the CBO says.

We are finding that rather than your costs going down, they are going up; you are finding that if you like what you have, you cannot keep it. Well, as Republicans have said all along, there are much better ways to expand health insurance coverage. I heard the majority whip this morning say they would like to hear our plan. Well, either their memory is faulty or they just were not listening.

ObamaCare regulations are incompatible with the genuine marketplace in health care insurance. They are incompatible with cost control. I think perhaps the best example I can think of is where the market actually works in conjunction with a government program, such as Medicare prescription drug coverage.

Remember when the Medicare prescription drug coverage plan was adopted, Medicare Part D, true competition in the market was created and vendors competed for the business of beneficiaries when it came to selling them their prescription drug plan. Lo and behold, due to the discipline and the competition, not only did quality of service go up and cost go down, we have seen that actually there is a 40-percent reduction, or I should say the cost of the plan is 40 percent under what was originally projected. That is something we could use with ObamaCare, which has been completely rejected. But that is why we believe we can replace ObamaCare with reforms that will make it easier for people to acquire or keep a health insurance plan that meets their actual individual needs.

My friends across the aisle continue to say we have not offered a practical

alternative, but that is not true. Just to remind them, some of the alternatives we offered include equalizing the tax treatment of health care so individuals purchasing insurance on their own are on the same level playing field as those who have employer-provided coverage. We would let Americans buy their health insurance coverage across State lines, something that is now not currently permitted, which would increase competition and increase consumer choice. So if I found a policy I needed from Maryland or Massachusetts or anywhere else around the country, I could buy it. So could my 26 million constituents. We would let individuals in small businesses form risk pools in the individual market, which is the most expensive part of the insurance market, helping to bring costs down. We would make price and quality information more transparent, again to increase that discipline known as market forces, which would help improve consumer choice and, in the process, bring down cost, while improving quality of service.

We would also expand the power of individuals to control their own health care spending through tax-free health savings accounts, which also have the additional benefit of providing skin in the game for consumers. One of the reasons why our health care spending is so high and so worrisome is that for too long our health care coverage was like a credit card that each of us, or many of us—not all of us—85 percent of us had in our pocket, where we could continue to charge and charge, but we would never see the bill. Well, that is a recipe for a runaway system, which is the reason we do need true health insurance reform.

Part of that reform would be to control frivolous malpractice lawsuits that help drive up costs by increasing the incentives for defensive medicine, doctors treating patients not because they think it is called for based on clinical guidelines but, rather in their effort to say: I have conducted every test, I have done everything possible so I cannot get sued successfully. We would use high-risk pools to ensure that people with preexisting conditions could get coverage. We would give the States a lot more flexibility in how to manage Medicaid.

I read with interest that a lot of the increased coverage since ObamaCare passed is not in the exchanges but it is Medicaid, the Medicaid expansion. Well, in my State, Medicaid pays a doctor about 50 cents on the dollar for what private insurance pays that doctor. So only about one-third of doctors will actually see a new Medicaid patient, because the cost of doing so eats into their profit, and, indeed, may make their doing so completely unprofitable and nonviable. But we could improve Medicaid by creating more flexibility in the States to manage that beneficiary population and to expand coverage.

Then we would expand provider competition and patient choice and Medicare.

Those are nine different reform proposals we have been making since 2009 when ObamaCare was first being debated, but it is clear our colleagues across the aisle were so concentrated on this huge takeover of our health care system—one-sixth of our economy, in a way that we now know is not going to work—that they weren't even listening. I hope they will now.

While the reforms I have described enjoy broad support among Republicans on Capitol Hill, my hope is whether you were a critic of ObamaCare, as I was, or you were a skeptic and thought, well, maybe it will work but I am not sure it will, or whether you were one of its biggest cheerleaders—now that we are seeing these promises that were made by the President and others in order to sell this to the American people are not true, I am hopeful Democrats and Republicans can come together to try to fix our broken health care system. After witnessing ObamaCare's disastrous rollout and its long trail of broken promises, I think most Americans would agree it is time for something different.

I have read that the definition of insanity is doing the same thing over and over and expecting different results. ObamaCare is not going to get any better by continuing to do the same thing over and over. I hope we will learn from our mistakes, and we will work together to improve access and the price of health care to the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, the legislation that is currently pending before this body, the Employment Non-Discrimination Act, S. 815, provides a historic opportunity for us to advance civil rights in this country and end employment discrimination against lesbians, gays, bisexuals, and transgenders, the LGBT community.

The United States has shown international leadership against discrimination, promoting better understanding and tolerance around the globe. That has made the security of countries better. It has provided opportunities for minority communities. The United States has been in the forefront of those efforts. We have shown leadership internationally and we have done that because we have taken action in our own country to protect against discrimination. Action at home helps us provide that credibility for our international leadership. Passage of S. 815, the Employment Non-Discrimination Act, would demonstrate that action, that we have taken the right action at home and, therefore, we have the standing to promote better understanding globally.

The U.S. leadership has been shown in many different ways. I am very

proud that one of the primary organizations the United States has participated in that has advanced human rights is the Organization for Security and Co-operation in Europe. Our local arm in participating is the Helsinki Commission. I have the honor of chairing the Helsinki Commission, which includes Members of both the House and the Senate, along with members of the administration. We have used that role in the Helsinki Commission to promote an international agenda to deal with best practices to end discrimination on ethnic communities, religious communities, and racial discrimination. As a result of U.S. leadership, we have made a difference. We made a difference in Europe, we made a difference in North America, and we made a difference around the world.

Today there are special representatives under the OSCE to promote tolerance in regard to minority communities on race, the Muslim community, and Jewish communities. We have made a difference in the Roma population in Europe, which has been badly discriminated against. We have had conferences to deal with anti-Semitism to help the Jewish communities of Europe, and we have helped religious minorities around the region.

U.S. leadership is needed to help the LGBT community. We have seen countries in Europe take discriminatory actions to marginalize lesbians, gays, and those who, because of their sexual orientation or gender identity, have been discriminated against. In order to do that, we need to pass the legislation before us to give us the moral ground and to promote the core values of our country. America's core values are based upon equal rights for all citizens, and that is what we need to promote by the passage of this legislation.

I must tell you it also is important for economic advancements. If we are going to be able to adequately compete globally, we need to empower all of the people of this country. We can't leave anyone behind.

I am proud of what has happened in my own State of Maryland. Maryland has had a proud history of advancing civil rights for all of its citizens. Two weekends ago I had the opportunity to join in the 25th anniversary of Equality Maryland. In 25 years, they have changed the landscape in regard to the LGBT community in my State of Maryland. We passed many laws that have advanced protection for all of our citizens in our State.

The State of Maryland has passed laws. We have had local governments pass law. Baltimore City has passed a law, Baltimore County, Montgomery County, Howard County, and the list goes on. In Maryland, not only did our legislature pass marriage equality, it was a petition to referendum and the voters of Maryland approved marriage equality. We have taken steps in our State to advance the rights of all of our citizens, including the LGBT community.

It has been nearly half a century since we passed the Civil Rights Act of 1964. The Civil Rights Act of 1964 prevents discrimination in employment based on race, color, religion, sex, or national origin. That has been our law for almost half a century. ENDA, the legislation before us, would expand that to sexual orientation and gender identity.

The Civil Rights Act of 1964 has worked. It has worked. It has provided enforcement mechanisms for those who have been discriminated against in their employment because of their race or because of their religion or because of their national origin or because of their sex. It has worked. ENDA would expand that protection for sexual orientation and gender identity. It is time we do this. Twenty-one States have already acted, including my State of Maryland. We have passed laws. Seventeen States include gender identity. Federalism has worked.

What do I mean by that? We have seen that there is a national law. The law is the Civil Rights Act of 1964. It set up the framework so that everyone understands we won't tolerate discrimination in the workplace. It has had a workable way where those who are victimized can get remedy, but the real remedy we want is equal employment opportunity for all the citizens of this country. It has worked.

Our States have said we can go farther, we can protect the LGBT community. They have and it has worked. Those who have said: Look, we are going to have problems because of religious organizations or we are going to have problems because of this group—that has not been the case.

Federalism has demonstrated it is now time to pass a national law to protect against those who discriminate in employment on a person's sexual orientation or gender identity. We need a national law.

I can give you many specific examples that have been shared with us. We could talk the numbers. We know the numbers. I want to speak about specific cases and to mention two people.

Kimya has a master's degree in social work and nearly two decades of experience in the field. She was the manager of a unit of a long-term care facility for those suffering from Alzheimer's and dementia. She enjoyed her job and was good at it but suffered through nearly a year of threatening messages, vandalism to her car, and slurs uttered in the halls. In 2003, she was fired, her supervisors telling her: "This would not be happening if you were not a lesbian."

Next is the case of Linda. Linda is an attorney who relocated to this region when her partner accepted a faculty position with a local university. Linda was invited for a second interview with a local law firm. During the interview, Linda was asked why she was moving to this region, and she replied that her spouse had taken a position at a local university. The law firm asked Linda

to come back for a final interview, which would include a dinner with all the partners and their spouses “to make sure we all got along.” At that point, Linda told one of the partners at the law firm that her spouse was a woman. Soon after, Linda was told that the firm would not hire a lesbian and she should not bother coming in for the third interview.

In Kimya’s and Linda’s cases, they live in States that do not have protection for the LGBT community, and therefore there was no way to address this wrong.

The legislation before us has been endorsed by the Leadership Conference on Civil and Human Rights that represents over 200 civil rights, religious, labor, and women’s rights organizations. It has broad support. It is supported by the American people. It is the right thing to do. It represents our core values.

Our former colleague Senator Ted Kennedy said civil rights was the great unfinished business of America. We are on that path. The passage of the Employment Non-Discrimination Act would be a major step forward to making us a more perfect union.

I urge my colleagues to support the legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). The Senator from Oregon.

Mr. MERKLEY. I appreciate the comments of my colleague from Maryland, who has argued so well that the time has come to take a bold step in favor of equality, in favor of fairness in passing employment nondiscrimination. I too rise to speak to the importance of this action.

The Declaration of Independence in its second paragraph says, in words that are famous and well-known to all Americans:

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.

Certainly that vision of life, liberty, and pursuit of happiness is infused into everything we pursue in this Nation in the success of individuals, the success of our families, the success of our communities, and the success of our Nation. The debate on which we are about to embark is deeply connected to this issue because certainly the ability to be free from discrimination in the pursuit of a job and to be free from discrimination in the course of employment is central to that pursuit of happiness. It is central to the issue of liberty.

I rise today to say how important and vital this is to millions of Americans for whom discrimination has blocked and compromised the vision laid out in the Declaration of Independence. This bill, this framework for ending discrimination in employment, S. 815, is born with a lot of bipartisan partners whom I wish to thank at this moment.

It was back in 2009, my first year in the Senate, that Senator Kennedy and his team asked me to take the leadership of this bill that he had held near and dear to his heart and to carry the torch forward in fighting for fairness in employment, fighting for an end to discrimination. Since that time, many have stepped forward to be partners in this journey.

Senator COLLINS was the first chief cosponsor on the Republican side, stepping forward and taking her voice, her energy, her experience, and her insight in bringing that to bear. After 2 years, she passed the baton to Senator MARK KIRK, who had been a long-time champion of the vision of fairness and equality for all Americans. Both of them have done an outstanding and extraordinary job in forwarding this dialogue.

On the Democratic side we have, first and foremost Senator Kennedy, who carried the leadership for many years, including back in 1996 when we had this on the floor of the Senate—and I will return to that in due course. He was a champion for civil rights in many different parts of our world, including race discrimination, gender discrimination, and discrimination against the LGBT community.

Senator HARKIN, who chairs the Health, Education, Labor, and Pensions Committee, carried this bill forward through two hearings in 2009 and 2012, and then brought it to markup this past year and is prepared to send it to the floor. So I thank Senator HARKIN for his leadership.

Senator TAMMY BALDWIN, who came to us with her own personal story and her experience with leadership in the House, has extended the conversation here in the Senate and has carried on so many individual meetings to speak to these core issues of equality, fairness, and opportunity.

So I thank all the bipartisan sponsors, and I thank all of those who last night said, yes, we should debate this issue. We should debate this issue of discrimination and blocking full opportunity for millions of Americans. So shortly we will be engaged in that debate.

After the Declaration of Independence, we had the preamble to the Constitution. This also is well known to Americans across our land.

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 the Constitution of the United States of America.

So here we have this core concept of justice and the blessings of liberty for that generation and the generations that would follow. But what exactly is liberty? What is freedom?

President Johnson, in 1965, at a commencement address at Howard University, said:

Freedom is the right to share, share fully and equally, in American society—to vote, to

hold a job, to enter a public place, to go to a school. 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 that is a pretty good description of what liberty and freedom mean—a right to participate fully in American society in every respect: at the voting booth, in the job place, and in the public square, as you would choose to participate.

So the Employment Non-Discrimination Act, which ends discrimination against our LGBT community, is rooted in the best of American values. It is rooted in the concepts of liberty and freedom in our founding documents and in our founding vision. It is rooted in the concept of fundamental fairness.

How unfair is it if an individual who is seeking to apply for a job cannot have the full opportunity for that job, the full opportunity to thrive because of discrimination? How fair is it that because of who you are outside of the workplace you are fired from the workplace?

Let us think of the Golden Rule. We all learned this early in life—that we should treat others according to how we would want to be treated. And we all want to be treated with the respect and dignity President Johnson referred to.

It is the vision of equality that was in the Declaration of Independence, and it is the vision of opportunity that is rooted so deeply in the American Dream—the idea that in America, if you work and study hard, you can do just about anything. That is the vision my father gave me when he took me to the schoolhouse doors when I was small and said: If you go through those doors and you study hard, here in America you can do just about anything.

But discrimination takes away from that vision of opportunity. It says: If you study hard, here in America you can do just about anything, unless you have a certain color of skin, unless you are a certain gender, unless you have a certain gender identity or sexual orientation.

We have struck down many of those barriers. We have advanced on this vision of equality, but we have further to go. That is what this debate is about. In 29 States, an individual can still be fired from their job, they can still be told not to apply in the first place because of their sexual orientation or their gender identity—in 29 States. It should not be the case that the vision of equality and fairness and opportunity happens to occur on one side of a State line but it is destroyed if you cross that State line. This vision of opportunity and fairness and equality in the Constitution and in the Declaration of Independence didn’t say the vision is only if you live in particular States, only if you live in the 21 States that have protections for our lesbian, gay, and bisexual community; only if you live in the 17 States that have employment protection for our transgender community.

The journey of this legislation began in 1974. It was a year after Stonewall. It was 39 years ago that Bella Abzug and Ed Koch introduced in the House of Representatives legislation that would ban job discrimination. It took another 19 years before such legislation was introduced here in the Senate and where hearings were held in the Labor and Human Resources Committee in 1994. It was 2 years later the bill was debated here in this Chamber—right here in this very room. The outcome was 49 for and 50 against, with Vice President Gore sitting in the presiding chair where the Senator from Hawaii now sits.

Vice President Gore had already clarified where he stood, so we were missing one Senator and one vote, and the result was that it took 17 years to again hold this conversation in this Chamber—17 years of discrimination in so many States across America. It is time to end that discrimination and enhance the vision of equality and fairness.

Today, we have a bill before us with 55 cosponsors. When we think about that 49-50 vote 17 years ago, we might think: Well, isn't this a done deal? There are 55 cosponsors and you only need 51 or 50 plus the Vice President to pass a bill in the Senate. But it is not a done deal. Because in the last decade and a half, the Senate has gone from being a simple majority Chamber, as envisioned in the Constitution, to being a Chamber where every action takes a supermajority vote.

We needed a supermajority of 60 to get on to the bill last night, and everyone anticipates we will need 60 votes to get off the bill; that is, to close debate and have a final vote. That is not the Senate of the past 200 years, but it is the Senate of the last 10 years, where the courtesy of extended debate has been turned into the veto of a supermajority. That is where we stand right now. Therefore, we need 60 votes.

We had 61 votes last night to get onto this debate, and I thank every one of those 61 Senators who stood up and said: Yes, after 17 years it is time to debate this issue; yes, it is right to consider the core issue of fairness to millions of Americans; yes, it is right to recognize that we should have a debate about the impact of discrimination on the ability of the individual to have full opportunity in our Nation.

Have no doubt. Discrimination is alive and well. I will share with you the story of Laura from Portland, OR, before Oregon had nondiscrimination clauses, which we adopted in 2007. Laura wrote that from 1980 to 1996 she worked for the Josephine County Sheriff's Office in Grants Pass, OR. She had the rank of sergeant. She was promoted often. She worked in a variety of capacities, including as a SWAT team commander, as a detective of the major crimes unit, and in the narcotics task force. During her 16 years, she says: I received numerous commendations, including commendations for re-

moving an automobile accident victim from a burning vehicle, delivering a baby alongside a roadside, and disarming an armed man intent on harming himself. She was awarded for her expertise and diligence shown in a number of complicated criminal cases. She was named Deputy of the Year in 1994. She taught law enforcement classes at Rogue Community College and at the Oregon Police Academy. She had a distinguished employment record.

On Labor Day 1995, Laura was in a remote area when a police dog attacked her and did some damage to her leg and she was put on administrative leave. During the month that followed, her storage unit was broken into. Out of that break-in of her storage unit came information she was a transgender individual, and because of that she was fired. She had a stellar career in every aspect, but a break-in into her storage unit, plus discrimination, ended that career.

She ends her commentary by saying: Had employment nondiscrimination laws been in effect, I likely would have continued serving the citizens of Josephine County to this day.

We know from her employment record she would have served well. But that was before Oregon adopted antidiscrimination legislation.

Many people have written to share their stories. Terri from Aloha wrote:

Thank you for continuing the fight against discrimination. I am retired now, but I did lose a job when I was young, for being a lesbian. Until later in life, I stayed deep in the closet after that to keep from losing another job. All of the non-discrimination bills help us define who we are as a people and underscores our belief in life, liberty, and the pursuit of happiness for every American.

By one survey, far more than a third of LGBT individuals have experienced some form of harassment or discrimination in the workplace. That has a tremendous impact on the pursuit of happiness. That is a tremendous shrinking of freedom and liberty as envisioned in our founding documents, our vision for this Nation.

There are a number of issues which have been raised as colleagues have talked about this bill before it comes to the floor, and I wish to address some of them.

First, this bill is fully inclusive. It includes the lesbian, gay, bisexual, and transgender community. It should be fully inclusive because discrimination is wrong. Discrimination shrinks opportunity. Discrimination is an offense against liberty and freedom in our Nation and full participation in society. So of course this bill should be fully inclusive, as it is in 17 of the 21 States that have laws on their books right now.

A second issue has been concern about lawsuits. We heard this yesterday from the Speaker of the House. But we have all of these pilots, if you will, with 21 States with measures on the books with all kinds of experience. So I asked the General Accounting Office to do an updated study on the issue of

lawsuits, and what did we find? There has been no abuse. There has been no extraordinary stream of unfounded lawsuits against businesses, no damage to business, none at all.

In Oregon, LGBT discrimination claims are less than 2 percent of the total number of employment discrimination claims. That is less than 1 out of 50. In other States it has ranged from 2 to 6 percent. That is a small number, and that is why the business community has remained so supportive. In fact, close to 90 percent of the Fortune 500 companies have nondiscrimination practices they have adopted on their own. They have adopted them because it is good business.

Nike, in my home State of Oregon, says that "ENDA is good for business, for our employees, and for our communities."

The Nike statement continues: Inclusive, nondiscrimination policies "enable us to attract and retain the best and brightest people around the world."

That is why Fortune 500 companies have lined up to adopt nondiscrimination provisions—because what is good for liberty and what is good for opportunity is good for business. And the GAO study shows that any claim that there has been a problem with excessive lawsuits is simply false.

A third concern is about the religious exemption. The religious exemption in this bill is deeply founded on title VII of the Civil Rights Act, so there is a whole history of interpretation and understanding exactly where the boundaries are. This is the same religious exemption that was voted in favor of in the U.S. House of Representatives by a measure of 420 to 25. Mr. President, 420 to 25 said this is the right foundation to make sure we create the balance for religious organizations.

There are others who are concerned that, simply, the American people are not ready for this discussion—despite the fact that it has been adopted in 21 States, despite the fact that we have had many related issues before the American public up for discussion, including hate crimes. We have the Matthew Shepard hate crimes act; we had don't ask, don't tell; we had a Supreme Court discussion about marriage equality. Certainly Americans are well familiar with this. In fact, 80 percent of Americans think we have already done this.

I was explaining to my daughter Brynne about this bill, this fight against discrimination and its terrible impacts on liberty, freedom, and opportunity.

She said: But, Dad, people can't fire others because they are lesbian or gay, right? That is not possible.

I said: Sweetie, it was possible right here in Oregon until a couple years ago when in 2007 we adopted nondiscrimination policies and nondiscrimination statutes for our State.

She just shook her head.

It took me back to when I was in high school and I was hearing about

Jim Crow and discrimination against those with dark skin instead of lighter skin, and I thought that is not possible, not under our vision of opportunity and equality in our Constitution and our pursuit of happiness. It is not possible.

But it was possible, and it was very real well after I was born. But we ended that discrimination, and it is time to end this discrimination.

This is about the individual, but it is about our Nation as well. It is certainly about the vision of the Declaration of Independence, which has the promise of life, liberty, and the pursuit of happiness as the founding motivation. It certainly is about our Constitution, which says that the core purpose is to secure the blessings of liberty because certainly you do not have liberty if you do not have the full opportunity to participate in the workplace across America.

Senator Ted Kennedy carried this battle until days before his death. The quote I am about to share is from August 5, 2009. He died just 20 days later. This may well have been one of his last public comments and introducing the 2009 bill may well have been one of his last legislative acts. He said:

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

I urge my colleagues, take a stand for equality. Take a stand for fundamental fairness. Take a stand for the vision of the pursuit of happiness embedded in our Constitution. Take a stand for justice for all. Support this bill.

The PRESIDING OFFICER. the Senator from Indiana.

Mr. COATS. Mr. President, I ask unanimous consent to speak as if in morning business.

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

OBAMACARE

Mr. COATS. Mr. President, among the many promises the President made when he and congressional Democrats enacted their unpopular health care law nearly 4 years ago—which, by the way, was enacted without any bipartisan input or support—there is one thing in particular Americans definitely have not forgotten. It was the promise President Obama repeated over and over again to the American people at rally after rally. You can't turn on the TV or radio or pick up a newspaper these days without this promise the President made so definitively being played over and over again because it was so ingrained in the thoughts of the American people:

If you like your health care plan, you'll be able to keep your health care plan, period.

By saying "period" behind it, it is like he puts a stamp on it: That is it. No disagreement.

If you like your health care plan, you'll be able to keep it. Period.

Well, here are the facts. The ObamaCare online marketplace has been in place for 1 month and a couple

of days. Already, at least 3.5 million Americans have received cancellation notices from their insurance companies. Lord knows how many more letters are in the mail or will be in the mail, arriving in Americans' mailboxes in the coming weeks and months ahead. So when the President says: If you like your health care plan, you can keep it—already 3.5 million Americans have been told: No, actually you can't keep your health care plan.

Thousands of Hoosiers are receiving those letters, and many more will receive them as well.

Rebecca from Muncie received a letter saying that her individual health care plan will be canceled. She also learned that the premiums in the government-approved plans are double and triple what she is paying now. Do you remember when the administration said "This won't cost one penny more"?

Dwight from Indianapolis wrote to me and shared a similar story. Dwight also received notice in the mail that his health care plan is being terminated. When he started looking for an alternative government-approved plan he experienced sticker shock: dramatic increases in the premiums he would have to pay for having to buy an ObamaCare plan now that his plan has been terminated.

That sticker shock was felt by Garth in Marion, IN, as well. Garth told me his family's health insurance costs will be more than three times as much under ObamaCare as they are paying now.

Rebecca, Dwight, Garth, and tens of thousands of other Hoosiers now have found out that the promise the President made is a broken promise.

But despite the repeated promise by the President for several years to the American people—that you can keep your health care plan if you like it, period—we have now learned the administration knew all along this wasn't true. For at least the past 3 years the administration has known that millions of Americans would receive cancellation notices and lose their current health care coverage. Yet the President has continued to package this flawed product with false advertising and apparently deliberate dishonesty to sell it to the American people. We wonder why Americans are losing confidence in their government? We wonder why there is such an alarming trust deficit in the country today?

As Washington Post writer Chris Cillizza wrote recently, "When you're the President, words matter."

Mr. President, words matter. Your words were: If you like your health care plan, you can keep it, period. Mr. President, that was a false promise, and it has undermined the confidence and trust of the American people in this President and in this government.

The fact is that you can only keep your health care plan if the Obama administration likes that plan, and apparently there are millions of plans al-

ready that they don't like. The ones they do like are their own creation, with multiple doubles and triples of premium costs.

In 2009 the President also said:

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

The President keeps enunciating his promises with a period. That means that is it, final, nothing else to say about it. The fact is that under ObamaCare many individuals are not going to have access to the doctors they have trusted for years. If the White House had been honest with Americans, would the administration have promised people could keep doctors they like?

Many individuals and families are seeing higher premiums, higher copays, and higher deductibles under ObamaCare. If the White House had been honest with Americans, would it have told the public the health care law would save families up to \$2,500? We haven't seen any of those stories yet.

What is the President's response to all of this and to the millions of Americans who have had their insurance coverage canceled? He says: Just shop around.

Well, first of all, maybe the President has forgotten that Americans can't even shop around because his Web site doesn't work. Maybe the President hasn't tried shopping around himself because he and his political appointees are not required to join ObamaCare. That is right. Everybody else is forced into ObamaCare but not the President nor his appointees and his team. They think it is good enough for the American people, but they are not going to be forced to join it as the rest of us are—including Members of Congress. Congress and the administration should be forced to join ObamaCare because if we are going to impose this on the American people, it needs to be imposed on us so that we feel the pain just as they are feeling the pain. But the President? He exempted himself. The President's appointees? Exempted. What kind of leadership is that?

Individuals and families who have been able to shop around are finding that many of the Obama-approved health care policies are going to cost them more money, not less. Middle-class families are getting hit with massive premium increases and outrageous deductibles. Remember, the point of health care reform was to lower the cost of health care and increase access, but we are seeing just the opposite of what the President promised. I think it is now clear that if the White House had been honest with the American people, this law would never have been passed in the first place.

It was Abraham Lincoln who said:

If you once forfeit the confidence of your fellow citizens, you can never regain their respect and esteem. It is true that you may fool all of the people some of the time; you can even fool some of the people all of the

time; but you cannot fool all of the people all of the time.

Unfortunately, today many Americans believe they have been fooled by a series of promises by this administration and its supporters that were simply not true. Given the many problems and broken promises with ObamaCare, given the law's negative impact on American families, the sensible course of action at this time is to take a timeout from implementation of this law. Recent polling shows that nearly three in four American voters now support delaying ObamaCare's individual mandate. In September I introduced a bill to delay that mandate for 1 year. The House has already passed similar legislation offered by my Indiana colleague, TODD YOUNG, to delay both the employer—and the individual—mandate. By the way, 22 House Democrats supported it.

The first step we should take today is to pass this legislation to delay the ObamaCare mandates and put people over politics. There is a lot of work ahead to deliver real health care reform. We need to bring down the cost of health care, not raise it. We need to put patients in control of their health care decisions, not Washington bureaucrats. We need to increase competition, reform medical malpractice, allow people to buy insurance across State lines, create risk pools, and a number of other initiatives that have been put forward that would make it an affordable health care reform and not the unaffordable, overpromised and underdelivered health care plan that the American people got from this administration.

Delaying the individual mandate will give the American people an opportunity to voice their displeasure over this false information by the President and the chance to start over with a real, honest approach to health care reform. It is time to start now.

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

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

Mr. THUNE. Mr. President, I ask consent to speak for up to 15 minutes.

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

Mr. THUNE. Mr. President, recently, President Obama made the comment that ObamaCare is not just a web site, it is much more. I could not agree more with that statement. His health care law is also a list of broken promises that harm middle-class Americans. While he was trying to sell ObamaCare to the American people, President Obama repeatedly stated that "if you like your health care plan, you'll be able to keep your health care plan, period."

He did not say that if you like your health care plan, you can keep your health care plan unless your health care plan changes or if you like your health care plan, you can keep your health care plan unless your health care plan gets canceled. He didn't say that you can only keep your health care plan if the White House likes your health care plan. He said, "If you like your health care plan, you'll be able to keep your health care plan, period."

It is pretty emphatic, I would argue, when the President of the United States says something such as that. Yet just 1 month after the ObamaCare exchange rollout, at least 3.5 million Americans have received insurance cancellation notices, according to the Associated Press. That number just reflects the number of dropped plans in about 25 States. There are about 25 other States that have not reported their numbers yet.

A report by the American Action Forum cites that this number is expected to dramatically increase in the coming months. On Sunday, former White House Press Secretary Robert Gibbs conceded that it was certainly wrong for the President to claim that "if you like your plan, you can keep it."

The Washington Post fact checker even gave the President four Pinocchios for his oft-repeated pledge that no one will ever take away your health care plan. We are now learning it is actually only if the White House likes your plan that you are going to be able to keep your plan.

We are also learning the White House knew people would be losing their coverage. After ObamaCare was signed into law, the President's administration released regulations that would invalidate grandfathered health care plans if they made routine changes. This information was buried in 2010 regulation and, despite the fact that the administration had posted this regulation, the President continued to state, "If you like your health care plan, you'll be able to keep your health care plan."

At the time this regulation was released, the administration issued estimates stating that 40 to 67 percent of Americans who purchased insurance in the individual market would lose their coverage. The administration also stated in that regulation that by the year 2013, 39 to 69 percent of businesses, large and small, would lose their grandfathered plans.

What the President blatantly left out of his promise was the caveat that if the Federal Government approves of your health care plan, then you can keep it—not if you like it you can keep it, but if the Federal Government likes it, then you can keep it. But what we are finding is the opposite is true. It is a completely broken promise—completely. What makes this issue even more startling is that in 2010 Senate Democrats voted along party lines to reaffirm that those Americans who like

their plan can only keep it if it receives a government seal of approval.

In September of 2010, Senator MIKE ENZI from Wyoming proposed a resolution to block the way the administration was planning to handle plan cancellations. On a party-line vote, Democrats killed the resolution, effectively endorsing the administration's proposal to cancel plans individuals have and like. After breaking his oft-repeated promise, the President is now telling millions of Americans who had their insurance canceled that they should just shop around for policies that can be more costly on a Web site that does not function.

It is clear the administration has misled Americans with their promises. Jerry Buckley of Marion, AR, says he did not pay attention to any of that because the President kept telling you this will not affect you if you like what you have. Despite being assured he could keep his plan, Mr. Buckley received a letter from Arkansas Blue Cross Blue Shield saying his policy did not comply with the new regulations under ObamaCare. A comparable plan has a higher premium, higher out-of-pocket costs, and less coverage.

As the leader of our country, the President's words matter. He needs to be held accountable for these millions of insurance plans he promised the American people they could keep. Simply having administration officials apologize for a broken Web site is not a solution. The issues run much deeper than anything any IT expert can fix. This is fundamentally about the flaws in this law. That is why the cancellation notices continue to go out despite the President's assertions and promises that if you like your plan, you can keep it.

In addition to the cancellation notices, consumers are experiencing sticker shock when they see what plans are available to them this next year. Forbes reports that premiums in 41 States are going to increase under ObamaCare. My home State of South Dakota ranks seventh on that list, with premiums rising 77 percent, on average. In four States, insurance premiums are expected to rise over 100 percent. A Washington Post headline from the weekend reads:

For consumers whose health premiums will go up under the new law, sticker shock leads to anger.

The article cites an anecdote by an area lawyer, Deborah Persico. Ms. Persico recently found out her insurance is being canceled due to ObamaCare. Under a comparable plan with the new law, her premium is going to increase by 55 percent and her deductible will double. She expects this new plan will cost her at least \$5,000 a year more than she pays under her current plan.

There are millions of middle-class Americans just like Deborah whose health care costs are skyrocketing under ObamaCare. The rising premiums are affecting both Americans

who buy their insurance in the individual market and those who have employer-provided health care as well. In an effort to avoid these higher costs, small businesses are renewing their plans early to avoid requirements imposed by ObamaCare. Insurance brokers told USA Today that 60 to 80 percent of small businesses with less than 50 employees are scrambling to renew their policies before the year's end to avoid paying the ObamaCare prices for 1 more year.

With our still sluggish economy and unacceptably high unemployment rate, Americans cannot afford ObamaCare. This catastrophic law is leading to canceled policies, higher costs, and less coverage.

Senate Republicans want to hear your stories. If you had a plan of your choice canceled, visit Republicans.senate.gov/yourstory.

It is now evident that after supporting the rule that led to insurance cancellations, nervous Democrats are beginning to recommend a delay in the individual mandate. It is clear that even those who supported this law in 2009 and 2010 are having second thoughts, but second thoughts are not enough. We need to work together to repeal this law and replace it with policies that actually lower the cost of care and allow individuals to keep the plans and the doctors they like.

Republicans will continue to fight to protect as many Americans as possible from this train wreck, and we hope the Democrats in the Senate will work with us.

Over the weekend we saw more examples, including a story in the Wall Street Journal from yesterday, about a lady who lost her coverage and can't use her doctors. She is a stage 4 cancer survivor, and she has used health care facilities in her own State of California that have done wonderful things for her in treating her illness. Yet under the ObamaCare policies that are currently in place, she is losing that coverage and losing access to her doctor.

The promise that "you can keep your plan if you like it" and the promise that "you can keep your doctor if you like your doctor" are broken promises that cannot be fulfilled. The President of the United States, over and over, said, "If you like your health care plan, you can keep it." We know that is not true, and we know it is never going to be true. We know now, going back to 2010, they knew it wasn't going to be true. They were predicting that there were going to be cancellations and sticker shock. Yet never once did the President modify his statement. He consistently said, "If you like your health care plan today, you can keep it, period"—completely misleading. Millions of Americans who have received cancellation notices and who are seeing skyrocketing premiums are in peril in their ability to cover themselves and their family.

There is a better way. There was a better way back then and there is a

better way today of bringing down health care costs and making it more affordable for more Americans, allowing them to have access to the health care plan they like and the doctor they choose. Yet if we stay on this current path, we are headed for a train wreck. We have time to turn the train around before this is fully implemented, and I hope to find bipartisan cooperation because health care is an important issue to millions of Americans. It is a pocketbook issue that affects so many families across this country, and their ability to provide affordable coverage for themselves and their families is an economic issue and something everybody talks about at the kitchen table.

We can come up with a better solution. We should come up with a better solution. If we don't, not only will we see millions of Americans with canceled coverage and millions of Americans with dramatic increases in the amount they are paying for health insurance coverage today, we will also see the impact this will have on jobs as more and more employers find it more difficult to retain their employees and hire more workers. The chronically high unemployment rate we see today, as well as the historically low labor participation rate, the reduced take-home pay we have seen for middle-class Americans, those will become a permanent state for the American people. I think the American people want to see us work on policies that will improve their standard of living, improve their quality of life, get more Americans back to work, and increase take-home pay for middle-class Americans.

This policy takes us backward. This policy takes us down a track that leads to broken promises and unfulfilled expectations for the American people. It is high time we change that. We can do that. I hope we will find the bipartisan cooperation here and hopefully the engagement of the President of the United States who, after all, made the promise that "if you like your plan, you can keep it, period," repeatedly, over and over—a broken promise. It is not too late to do the right thing. I hope we will be able to find the bipartisan cooperation to do that.

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

The PRESIDING OFFICER (Ms. HEITKAMP). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. ISAKSON. Madam President, I ask unanimous consent to address the Senate as in morning business.

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

HONORING SENIOR PASTOR JASPER W. WILLIAMS, JR.

Mr. ISAKSON. Madam President, we get to do a lot as Members of the Senate on the floor of this great body. We

make great speeches and we have great debates. Periodically, from time to time, we pay tribute to someone in our State who has done great work for many people. I take this opportunity to do exactly that on the floor of the Senate.

This Sunday night, at 5 p.m., at the Salem Baptist Church in Atlanta, GA, the Reverend Jasper W. Williams will be honored for his 50th year of continued service at the Salem Baptist Church. I have been privileged to know Jasper for 20 of those 50 years. I have been a member of that church and I heard his sermons. I have heard him preach the Gospel. I have seen him teach others and I have seen him save people's lives. I have heard and I have seen him reach out into the community to bring children together for daycare, to watch him help to mend the sick and the poor, and doing everything that is expected of a church and doing so without any expectation of benefit to himself, except for the self-satisfaction of serving the Lord and serving his church.

He has a great church at Salem Baptist. They have two sites, as a matter of fact, and two large congregations.

He succeeded his father as a minister and learned the ministry from his father. He went to Salem Baptist Church to preach as a guest on Easter Sunday in 1963. And in November of that year, at the age of 19, that church offered Jasper the pastorate of Salem Baptist, and he has been there every day since.

His two sons also preach in the Salem Baptist Church community to carry on the tradition of the Jasper Williams family.

He is a graduate of Morehouse College, the leading Black institution in Atlanta at the Atlanta University complex. He is a great citizen of our city, a great citizen of our State, and a great citizen of our country.

So I take a privilege at this time on the floor of the U.S. Senate to pay tribute to my friend, Jasper W. Williams, Jr., to thank him and to thank the Lord for his service to the people of Atlanta, GA, and to the Baptist Church.

I yield back the remainder of my time.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. MARKEY. Madam President, I ask to be recognized to speak on behalf of the passage of ENDA.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MARKEY. Madam President, I rise today in support of equal treatment for all Americans. The Employment Non-Discrimination Act, or ENDA, is aimed at protecting all lesbian, gay, bisexual, and transgender

Americans from workplace discrimination based on their sexual orientation or gender identity. All Americans deserve to be free from discrimination in the workplace, and ENDA is a crucial step to ensuring equal treatment.

I have been a cosponsor of the Employment Non-Discrimination Act every time it was introduced in Congress since the bill was first drafted in 1994. Two years later, in 1996, I was one of only 67 Members of the House of Representatives to vote against the Defense of Marriage Act. That seems like ancient history now—so long ago.

I am proud to say that the Employment Non-Discrimination Act has its roots in my home State of Massachusetts. Back in 1994, it was originally written by two titans of Massachusetts politics: Congressman Gerry Studds in the House of Representatives and Senator Ted Kennedy here in the U.S. Senate. We are coming up now close to 20 years since those bills were introduced first in the House and in the Senate.

While neither of these visionary leaders is with us today, their tireless work for equality lives on. They helped pave the way for this debate by challenging the pervasive view that LGBT people do not need or deserve the same legal rights and protections as everyone else.

We began debating this actually in the Massachusetts State legislature in the mid-1970s. In Massachusetts, in the 1970s, a law like this could not pass. But in 1989 Massachusetts became the second State in the Nation to adopt a law prohibiting discrimination based on sexual orientation in employment, public accommodation, housing, and credit services.

In 2004 Massachusetts became the first State in the Nation to extend marriage equality to same-sex couples. Massachusetts is again paving the way with the passage of one of the first transgender equal rights laws in the Nation.

The people of Massachusetts know that when some of our citizens are being discriminated against, the liberty of all people is diminished.

From schoolrooms to boardrooms, members of the Massachusetts LGBT community have made stunning progress toward full legal equality. Simply put, equality works in Massachusetts, and it works for Massachusetts. By ensuring that LGBT individuals have the same employment protections as everyone else, we have made the light of liberty in our State burn even more brightly.

The same basic civil rights protections that have been extended to LGBT residents of Massachusetts should be extended to LGBT people across the entire Nation.

For the last two decades, the people of Massachusetts have supported a national employment nondiscrimination law because we cannot allow our Nation to have one standard in States that pass laws that protect people from discrimination and have other States that do not. We cannot have the ca-

reers of people, the dreams of people, to be in fear of prosecution as people move from State to State. There should be a national standard which we establish—a standard that ensures that every person knows that wherever they are in the United States of America, they are going to be protected, that they were created by God, and they have a right to these protections in every State in our country.

Today the number of States that have adopted their own antidiscrimination laws is basically increasing. I applaud the progress that has been made to advance the cause of equality on the State level. However, 29 States still do not have these critical protections in place. That is 29 States too many that still refuse to provide those protections.

In the end, it comes down to this: We should treat others as we would like to be treated ourselves. The LGBT community is made up of our friends, our neighbors, our coworkers, and our families. We all deserve the same rights regardless of who we are, regardless of where we live in our great Nation. That is what is truly exceptional about America. Despite our challenges, we remain the brightest beacon of freedom, opportunity, and equality in the world.

I have a great deal of pride in our Nation and our people. I truly believe that despite our differences, we can come together with one voice to say that discrimination is wrong. So let's here, this week, all stand together for a future without discrimination in the workplace. It will make America more productive. It will make us more wealthy but, most importantly, it will ensure that we have removed that stigma of discrimination that puts fear into the hearts of American citizens unnecessarily. This is a huge, historic week that we are about to see unfold in our Nation's capital. I pray we can pass this bill and send it over to the House of Representatives so we can have this full debate in our Nation for equality for every person who lives within our boundaries.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

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

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, I ask to be allowed to address the Senate for a brief period of time.

The PRESIDING OFFICER. The Senator is recognized.

BALANCING THE BUDGET

Mr. SANDERS. This afternoon I wish to touch on two issues. One is the issue of Social Security, which is life-and-death for many millions of Americans, and the other is the issue of Medicare and Medicaid.

The main point I would like to make—and I make this as a member of the budget conference committee—is that the American people, regardless of their political persuasion—Democratic, Republican, Independent, conservative, progressive, whatever—are quite united in stating they do not want cuts to Social Security, Medicare, and Medicaid and they do not believe we should balance the budget on the backs of some of the most vulnerable people in this country.

According to the latest National Journal/United Technologies poll, 81 percent of the American people do not want to cut Medicare benefits at all, 76 percent of the American people do not want to cut Social Security benefits at all, and 60 percent of the American people do not want to cut Medicaid benefits at all. This is only one of many polls that are out.

What the American people understand is that millions of people are hurting in today's economy. The number of people living in poverty is at an alltime high, and median family income is going down. Unemployment is much too high. People are hurting, and we cannot make devastating cuts to the social safety net that is literally life-and-death for so many of our people.

I did want to mention that I worked on a petition drive with a number of grassroots organizations throughout this country. They include CREDO, Daily Kos, Campaign for America's Future, Social Security Works, Democracy for America, Progressives United, MoveOn, Other98, USAction, and the Alliance for Retired Americans. In a pretty short time—less than 1 week—we received over 500,000 names on a petition that says very clearly: Do not cut Social Security, Medicare, and Medicaid. Do not balance the budget on the backs of some of the most vulnerable people in this country.

The other point I would make when we talk about the budget is that at the end of the day people do believe the deficit is too high. We should be proud, by the way, that in the last 4 years we have cut the deficit in half, but it is too high. But what the American people also say is that what is much more significant to them is the economy and the fact that we have so many people who are unemployed.

I would point out, as somebody who believes very strongly—and I speak as a former mayor of Burlington, VT—who believes absolutely that when your infrastructure—your roads, bridges, and rail system—is in need of enormous investment, where we can create millions of decent-paying jobs rebuilding our crumbling infrastructure, what the American people are saying is, yes,