

someone because of sexual orientation or gender identity.

When we declared our independence from Great Britain back in 1776, our Founders stated:

We hold these truths to be self-evident, that all men are created equal. . . .

Of course, I would add women to that. But equality under the law is part of our national creed. We have an opportunity this week to take another step forward in advancing equal opportunity for all. Let's pass the Employment Non-Discrimination Act with a very strong bipartisan majority. I hope we will do that. I hope we will do it this week.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTE TO MAYOR EVA GALAMBOS

Mr. ISAKSON. Mr. President, I rise for a moment, the day after elections all over the country, to pay tribute to a great Georgian.

Yesterday, November 5, 2013, the city of Sandy Springs elected a new mayor by the name of Rusty Paul. But Rusty was elected to succeed Eva Galambos, the first and only mayor of Sandy Springs, GA—an outstanding citizen of our State and a real representative of what it is about to be a good citizen of Georgia.

For 30 years she chaired a committee called the Committee for Sandy Springs, from 1975 until 2005. That committee was a committee of community members in an unincorporated area who wanted to have their own city, their own government, and they wanted to privatize government.

They tried for 30 years to get the State legislature—for 20 of those years I was a part of that legislature—to approve a municipal charter for Sandy Springs. Finally, in 2004, the legislature did. In 2005, it was ratified by the voters of Sandy Springs and the voters of the city of Atlanta, and Sandy Springs became a city.

Because Eva had chaired the committee to make it a city for 30 years, she was selected as its first mayor and served in that capacity for 8 outstanding years. A city that was a typical urban sprawl, suburban sprawl city, she turned into one of the prettiest places in Georgia. She beautified the streets, put in streetscapes, easements for beautification.

Today, we have a beautiful linear park on the most major road that goes through Sandy Springs, on Johnson Ferry Road and Abernathy—a linear park where people are able to enjoy a park and have a buffer from a highway,

yet improved traffic flowing through that community.

That was just one of many things she did in innovative ways to make it a better community.

Eva is a great citizen. She has a wonderful husband, three great children, six great grandchildren, but her seventh grandchild is the city of Sandy Springs. She birthed it. She led it. She grew it. At the end of this year she will leave it as its mayor, but she will always be there as its leading citizen.

So I rise today on the floor of the Senate to pay tribute to Eva Galambos for doing the American dream—having a dream, 30 years working to achieve it, and at the end of those 30 years then leading it to become what she always hoped it could be: a great city, the city of Sandy Springs, GA.

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 legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I ask unanimous consent that I be recognized for up to 8 minutes, followed by Senator BALDWIN.

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

EMPLOYMENT NON-DISCRIMINATION ACT

Mrs. BOXER. Mr. President, I rise today to urge my colleagues to vote for ENDA, the Employment Non-Discrimination Act. This bill is about basic fairness, and it is really about the Golden Rule—treating others as you would like to be treated. Every single American should have the right to earn a living and provide for his or her family without fearing discrimination in the workplace because of who they are and whom they love. Americans like Marty Edwards, an assistant vice president of First National Bank of Granbury, Texas, whose story was recently featured in *The Advocate*. Marty was passed over for promotions at work despite a very strong 11-year history at the bank. When he asked for an explanation from his vice president and human resources department, he was told that the workers who had received the promotion were “a better fit for the image we are looking for.” Marty Edwards was hired by the bank right out of college. He formed his professional identity there. He was moving up the ladder until he came out as a gay man. When Edwards asked whether his sexual orientation was the main reason he had been denied promotion, the bank's executive vice president demanded his resignation. Edwards refused, and then he was fired.

Sadly, Marty Edwards' story is not unique. Between 15 and 43 percent of

LGBT people have experienced discrimination in the workplace or harassment in the workplace as a result of their sexual orientation. Twenty-six percent of transgender people report having been fired from their jobs because of their gender identity, and 90 percent reported experiencing harassment, mistreatment, or discrimination.

Our fellow citizens need ENDA. I was here when ENDA was voted on so many years ago when it was a Ted Kennedy bill. We did not make it then, but I think we are going to make it now because Americans know that ENDA is the right thing to do. As a matter of fact, 80 percent of Americans assume there already is a law prohibiting discrimination against this community. But more than half of Americans still live in States where it is perfectly legal to fire a lesbian, gay, bisexual, or transgender American just because of their sexual orientation or gender identity. So that is why we need this bill. There are many States where there is no protection. This bill would make sure the protections are nationwide.

Seventy percent of the American public supports ENDA. According to the Washington Post, public support ranges from a high of 81 percent in Massachusetts to a low of 63 percent in Mississippi. So it is clear that the support cuts across party affiliation and generational gaps. Whether they are a Democrat, a Republican, an Independent, whether they are a libertarian, whether they are young or old, Americans overwhelming support this bill. The American people are basically giving us a message: This is a no-brainer. We should not have to fight about it. We should just vote for it.

That is why I was so dismayed to read that House Speaker BOEHNER said he would not support ENDA. His reason was that it will increase litigation. Does the Speaker really think that LGBT Americans, who have families to support and bills to pay, would rather pursue frivolous lawsuits than earn their pay in a workplace free of harassment and discrimination?

Here is what I think is really disingenuous about that. Republicans do not suggest that all the other groups covered by the Civil Rights Act are filing frivolous lawsuits. In other words, all the rest of Americans who are protected because of their religion, because of their color, because of their creed, Speaker BOEHNER says they are not filing frivolous lawsuits and he does not want to repeal the civil rights of those people. Good. Why does he think that the LGBT community is going to file frivolous lawsuits?

I have to say that evidence shows what he is saying is false. The Speaker ignores the fact that the Government Accountability Office issued a recent report showing that in the 22 States that banned sexual orientation discrimination in the workplace, “there were relatively few employment discrimination complaints based on sexual orientation and gender identity

filed." In other words, there is not a problem with frivolous lawsuits being filed by the LGBT community in the States that have protective laws. That is because LGBT Americans are woven into the fabric of our workplaces, our communities, and every other facet of our American life. This bill is about granting them the just and fair protections they deserve so that they can live their lives and contribute to our economy without fear of losing their jobs because of who they are or whom they love. It is the moral thing to do. It makes good business sense. A majority of Fortune 500 companies have sexual orientation and gender identity nondiscrimination policies in place. Recent polling shows that a majority of small businesses do too.

I have to say that in the States where we have these laws, people are happy with it. People are so happy with it that they think the whole country has already passed a law. So how could the Speaker get up and announce that he is opposed to it because there will be the filing of frivolous lawsuits? It is a made-up straw man, if I might say.

The State of California and many of our cities enforce these policies as well. The economy benefits.

Apple CEO Tim Cook wrote in the *Wall Street Journal*:

Those who have suffered discrimination have paid the greatest price for this lack of legal protection. But ultimately we all pay a price. If our coworkers cannot be themselves in the workplace, they certainly cannot be their best selves. When that happens, we undermine people's potential and deny ourselves and our society the full benefits of those individuals' talents.

I thank Tim Cook, the CEO of Apple, for those progressive thoughts.

Employers know they will be the most competitive when they hire and retain the best people, and folks will apply for and strive to keep their jobs if they know a company only considers their qualifications for the job and the result of their hard work—nothing more, nothing less.

I believe my colleagues will do the right thing and pass this bill. I want to say to my colleague JEFF MERKLEY, who is not on the floor right now—he has really pushed hard for this vote. I thank Senator HARRY REID, our leader. There are many other bills that compete for attention. I think it was very important because what could be more important than protecting our people, protecting our sons and daughters, protecting all God's children? That is what ENDA does. So I think we are going to see a very good vote on this bill tomorrow. Really, it ought to pass by 80, 90, 100 votes because it is a very simple idea: Everyone should be treated fairly. Everyone should be treated equally. This Nation is at its best when we do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I ask unanimous consent that following my

remarks, the Senator from Rhode Island Mr. WHITEHOUSE be recognized.

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

Ms. BALDWIN. Mr. President, I have come to the floor again to talk about the Employment Non-Discrimination Act, known as ENDA. This is a bipartisan effort to advance uniquely American values: freedom, fairness, and opportunity. It is about freedom—the freedom to realize our founding beliefs 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 like their families, their friends, their neighbors, and their fellow workers. It is about opportunity, about whether every American gets to dream the same dreams and chase the same ambitions and have the same shot at success.

On Monday this week 61 Senators, including 7 Republicans, voted to support opportunity and fairness. Today we agreed to a Republican amendment that would strengthen the bill. Bipartisan support for the Employment Non-Discrimination Act is growing as we head toward a vote on passage tomorrow. I would urge all of my colleagues to join us and vote for this important legislation.

I have seen firsthand the progress we have made in recognizing that fairness and opportunity are not partisan issues; they are core American values. When I served in the House of Representatives, I worked with Congressman Barney Frank on the Employment Non-Discrimination Act. We had many conversations with Members with varying political, personal, and religious beliefs. At times it was a difficult debate. There were many disagreements. However, the tone of the debate here on the Senate floor has been remarkably dignified and cordial. This has been true throughout the Senate debate. In fact, I was pleasantly surprised as a member of the HELP Committee that the committee markup of this bill took only a little over 5 minutes. I had been prepared to be in our markup for hours. This dignified tone of today's debate in committee and here on the floor reflects the progress our Nation has made in recognition of fairness and equality.

My home State of Wisconsin was the first State in the Nation to add sexual orientation to its antidiscrimination statute. At the time, back in 1982, only 41 municipalities and 8 counties in the entire United States offered limited protections against discrimination based on sexual orientation. Wisconsin's efforts pass the Nation's first sexual orientation antidiscrimination law was supported by a broad spectrum of supporters and advocates. It was a bipartisan coalition including members of the clergy, various religious denominations, medical groups, professional groups. The measure was signed into law in Wisconsin by a 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 back in 1982, 20 States and the District of Columbia, representing nearly 45 percent of the population of the United States of America, 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 a very ugly reality. It is the reality that in more than two dozen States it is legal to discriminate against LGBT employees. That is simply wrong. This legislation seeks to right that wrong. We do not 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.

The change in law that we work for this week and today can add up to incredible progress in our lifetime. This generation can be the one in which we fulfill the promise 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.

Finally, I would like to recognize my Senate colleagues, the ones with whom I have worked to advance this bill, the Employment Non-Discrimination Act.

Senator MERKLEY, Senator KIRK, Chairman HARKIN, and Senator COLLINS' tireless efforts have led us this close to the finish line with regard to this bill.

Without naming all of them, I also would like to thank my colleagues who have taken the time to join in our effort to bring cloture and bring this debate before the body, the ones who have taken the time to sit down with me and my colleagues and talk through this issue so that we might answer their questions and move it ahead. It means a great deal. This is an important place we have reached.

As we prepare for the final vote tomorrow, I wish every Senator would stand with us and vote for fairness and opportunity. While we might not meet that high mark, I do hope it is a very strong vote. Passing this bill with a strong majority will show America that the Senate believes in a future that is more equal, not less, for all Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. While I was awaiting my turn to speak on the floor, I had the opportunity to hear both Senator BOXER and Senator BALDWIN. I commend both of them for very excellent and eloquent remarks and thank Senator BALDWIN for her courage and conviction.

I also know that my dear colleague in the House, Representative DAVID CICILLINE, is watching this vote very carefully. We hope we will make him, Senator BALDWIN, and so many people around this country proud when we take up this vote tomorrow.

CLIMATE CHANGE

Mr. WHITEHOUSE. I am here today for what is now the 49th straight week in which the Senate has been in session to urge that we wake up to the effects of carbon pollution on the Earth's oceans and climate, that we sweep away the manufactured doubt that so often surrounds this issue and get serious about the threat we face from climate change.

When I come to the floor, I often have a specialized subject. I talk about the oceans and how they are affected by carbon pollution. I talk about the economics around carbon pollution. I talk about the faith community's interest in carbon pollution. Today I want to talk about the role of the media in all of this.

In America, we count on the press to report faithfully and accurately our changing world and to awaken the public to apparent mounting threats. Our Constitution gives the press special vital rights so that they can perform this special vital role. But what happens when the press fails in this role? What happens when the press stops being independent, when it becomes the bedfellow of special interests? The Latin phrase "*Quis custodiet ipsos custodes*"—who will watch the watchmen themselves—then becomes the question. The press is supposed to scrutinize all of us. Who watches them when they fail at their independent role?

I wish to speak about a very specific example—the editorial page of one of our Nation's leading publications, the Wall Street Journal. The Wall Street Journal is one of America's great newspapers, and there is probably none better when it comes to news coverage and reporting. It is a paragon in journalism until one turns to the editorial page and then steps into a chasm of polluter sludge when the issue is harmful industrial pollutants. When that is the issue, harmful industrial pollutants, this editorial page will mislead its readers, will deny the scientific consensus, and it will ignore its excellent news pages' actual reporting, all to help the industry, all to help the campaign to manufacture doubt and delay action.

As I said before, there is a denier's playbook around these issues. We have seen the pattern repeat itself in the pages of the Wall Street Journal on acid rain, on the ozone layer, and now, most pronouncedly, on climate change. The pattern is a simple one: No. 1, deny the science; No. 2, question the motives; and No. 3, exaggerate the costs. Call it the polluting industry 1-2-3.

Let's start in the 1970s when scientists first warned that

chlorofluorocarbons, or CFCs, which were commonly used as refrigerants and aerosol propellants, could break down the Earth's stratospheric ozone layer, which would increase human exposure to ultraviolet rays and cause cancer. As outlined in a report by Media Matters, this is when the Wall Street Journal's editorial page embarked upon what would become a persistent and familiar pattern.

For more than 25 years, the Wall Street Journal's editorial page doggedly printed editorials devaluing science and attacking any regulation of CFCs.

In January of 1976, an editorial proclaimed the connection between CFCs and ozone depletion "is only a theory and will remain only that until further efforts are made to test its validity in the atmosphere itself."

In May of 1979, an editorial said that scientists "still don't know to what extent, if any, mankind's activities have altered the ozone barrier or whether the possibly harmful effects of these activities aren't offset by natural processes. . . . Thus, it now appears, all the excitement over the threat to the ozone layer was founded on scanty scientific evidence."

In March 1984, we read on the editorial page that concerns about ozone depletion were based on "premature scientific evidence." Rather, it was written, "new evidence shows that the ozone layer isn't vanishing after all; it may even be increasing."

In March 1989, an editorial called for more research on the "questionable theory that CFCs cause depletion of the ozone layer" and implored scientists to "continue to study the sky until we know enough to make a sound decision regarding the phasing out of our best refrigerants."

Again, deny the science.

Predictably, they also attacked the motives of reformers. A February 1992 editorial stated that "it is simply not clear to us that real science drives policy in this area."

Finally, playbook 3, they have warned that action to slow ozone depletion would be costly.

A March 1984 editorial claimed that banning CFCs would "cost the economy some \$1.52 billion in forgone profits and product-change expenses" as well as 8,700 jobs.

An August 1990 editorial warned that banning CFCs would lead to a "dramatic increase in air-conditioning and refrigeration costs." It added that "the likely substitute for the most popular banned refrigerant costs 30 times as much and will itself be banned by the year 2015. The economy will have to shoulder at least \$10 to \$15 billion a year in added refrigeration costs by the year 2000."

A February 1992 editorial warned that accelerating the phase-out of CFCs "almost surely will translate into big price increases on many consumer products."

Despite the protests of the Wall Street Journal's editorial page, we ac-

tually listened in America to the science, and we took action. We protected the ozone layer, we protected the public health, and the economy prospered.

What about all those costs that they claimed? Looking back, we can see that action to slow ozone depletion in fact saved money. According to the EPA's 1999 progress report on the Clean Air Act, "every dollar invested in ozone protection provides \$20 of societal health benefits in the United States"—\$1 spent, \$20 saved. The Journal's response? Silence. They just stopped talking about it.

Next we will go to acid rain. In the late 1970s scientists began reporting that acid rain was falling on most of our Northeastern United States. Guess what. Again, at the Wall Street Journal editorial page, out came the playbook.

First, they questioned the science behind the problem. A May 1980 editorial questioned the link between increased burning of coal and acid rain, concluding that existing "data are not conclusive and more studies are needed."

In September 1982 the editors told us that "scientific study, as opposed to political rhetoric, points more and more toward the theory that nature, not industry, is the primary source of acid rain." Nature is the primary source of acid rain.

A September 1985 Journal editorial claimed that "the scientific case for acid rain is dying."

In June 1989 the editorial page argued that we needed to wait—it is always needing to wait—for science to understand, for example, to what extent acid rain is manmade before enacting regulations. During that same period the Wall Street Journal's editorial page also smeared the motive, declaring that the effort to address acid rain was driven by politics, not science.

Consistent with No. 2 in the playbook, in July 1987 the editorial page wrote: "As the acid-rain story continues to develop, it's becoming increasingly apparent that politics, not nature, is the primary force driving the theory's biggest boosters."

Wall Street Journal editors also consistently opposed plans to address acid rain because of cost concerns—No. 3 in the playbook.

A June 1982 editorial warned of the "immense cost of controlling sulfur emissions."

A January 1984 editorial claimed a regulatory program for acid rain would cost "upwards of \$100 billion."

These claims were made even as the evidence mounted against their position, even as President Reagan's own scientific panel said that inaction would risk "irreversible damage." Of course, the cost equation of the Wall Street Journal editorial page was always totally one-sided—always the cost to clean up the pollution; never the cost of the harm the pollution caused.