

More than 250 different employers across the country have had to take steps to reduce the burden of the President's health care law. President Obama owes part-time workers an explanation and he owes them an apology. And if he won't do it, Bill Clinton should.

The last time he spoke, President Clinton failed to mention the serious economic consequences of the law. The Obama administration did the same thing. They said there was only anecdotal evidence. Well, the heads of three major labor unions happen to disagree with the President. They sent out a letter recently to Democrats in Congress warning about the damage the health care law is doing to their care and to their paychecks. They wrote this, saying the health care law—

... will shatter not only our hard-earned health benefits, but destroy the foundation of the 40-hour workweek that is the backbone of the American middle class.

Even the President's strongest supporters are being hurt by his health care law. They are getting hit in their paychecks and they are getting hit hard. I believe President Obama owes union members an explanation. And if he won't do it, Bill Clinton should.

Those union leaders are also upset that a lot of the generous health care plans they have had will have to be cut because of the law. They said the unintended consequences of the health care law are severe, and "perverse incentives are already creating nightmare scenarios." That is from the unions.

But it is not just the unions. Walgreen's, Home Depot, IBM, Sears, Darden Restaurants—one company after another has had to make changes to their insurance plans under the Obama health care law. President Obama owes those middle-class workers an explanation and he owes them an apology. And if he won't do it, today Bill Clinton should.

The next group President Clinton should talk to are the spouses who are losing their insurance coverage. The University of Virginia recently announced plans to drop spousal coverage for some of its employees. The school said it was the President's health care law, and that it would add \$7.3 million to the cost of its health plan in 2014.

In a recent memo to employees, the shipping company UPS said it also plans to exclude 15,000 spouses from its insurance plan. The company, of course, cited the health care law as the top reason for this switch. It said the increased expenses and the government mandates have made it too difficult to keep offering the benefit. So just as the University of Virginia, if a worker's husband or wife can get insurance from their other employer, then UPS won't be covering them.

President Obama owes those spouses an explanation. And if he won't do it, Bill Clinton should.

Finally, I hope President Clinton will be honest and speak directly to the young people who are going to see their

insurance premiums skyrocket. The health care law needs healthy young people to sign up for these exchanges in record numbers or the whole thing will collapse. That is what is at stake for the Obama administration. So they are spending millions of dollars in advertising to convince young healthy people to buy expensive Washington-approved insurance.

The Los Angeles Times ran a headline over the weekend: "Hollywood plays key role for health law: White House counts on the entertainment industry to promote its plan, especially to young people."

Hollywood celebrities and Bill Clinton are trying to convince young people to sign up. Many of those young people will be paying more, they will be buying coverage they may not need, and that might not be right for them. But they have to do it. They have to do it to help subsidize insurance for older individuals.

This is happening at the same time these young people can't find a job—can't get full-time work. Why? Well, a lot of that is due to the perverse incentives of the health care law. President Obama owes those young people an explanation and an apology. And if he won't do it, Bill Clinton should.

The American people deserve more than sound bites and talking points and excuses. They deserve better than what they have gotten under this terrible health care law. A few months ago the White House saw its employer mandate was a bad idea, so they delayed the mandate for 1 year. Republicans think all Americans deserve a delay.

There are real problems with this health care law and there are a lot of unanswered questions, a lot of unintended consequences, and a lot of ways the new health care law can do more harm than good for middle-class Americans. We should delay the law permanently and work out a better replacement that actually reforms health care the right way. The American people wanted health care reform. They wanted the care they need from a doctor they choose at a lower cost. But as the polls are showing, the American people know the Obama health care law didn't give them what they asked for.

President Obama failed to keep his promises and he has failed at changing the public's opinion. So now he is going to be Bill Clinton's warmup act in a last-ditch sales job. Well, what former President Clinton should do is talk to the American people, whom President Obama has ignored.

You only have to look at yesterday's New York Times front page: "Lower Premiums To Come At Cost Of Fewer Choices. Impact Of Health Care Law. In New Plans, Insurers Often Leave Out Many Providers."

The President said: If you like what you have, you can keep it. If you like your doctor, you can keep your doctor.

Even the California plan the President touts, when we look at what is of-

fered there in the insurance exchanges, the new network for thousands and thousands of people, tens of thousands of doctors across the State, it does not include the five medical centers of the University of California or the Cedars-Sinai Medical Center near Beverly Hills.

There is a furor in New Hampshire regarding the exclusion of 10 of the State's 26 hospitals from health plans that it will sell through the insurance exchange.

I think it is time for the President to admit the health care law is terribly flawed. Promise after promise has been broken, and it is time for Democrats and Republicans to work together to give the American public the care they need and deserve.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

#### HURTING MIDDLE CLASS

Mr. SANDERS. Mr. President, I want to make a few points this morning and say what I think is on the minds of many Americans.

There is a reason why the favorability rating of Congress is at 10 percent or less, and that is because the middle class of this country—the vast majority of our people—is hurting. They are worried about what kind of future their kids are going to have, and they look at Washington and they ask: What is going on?

Our Republican friends in the House on 42 separate occasions attempted to defund ObamaCare. And on 42 separate occasions, they failed. There was a Presidential election in which this issue of whether we expand health care to another 20 million Americans—whether we end the obscenity of pre-existing conditions, where people who have had serious health problems are denied health care; whether we make sure kids 26 years of age or younger are on their parents' health insurance plan, whether we do more for disease prevention, et cetera—was debated very heavily. Guess what. The Republican candidate who wanted to defund ObamaCare lost that election. Now, quite incredibly, what the Republicans are saying is: Yes, we failed 42 times, we lost the Presidential election, but now we are prepared to shut down the entire government unless we end this legislation.

Well, that is not going to happen. They are not going to end ObamaCare. Surely we need to improve it. I myself believe we need a Medicare-for-all single-payer program. And let us discuss how we can improve the program, how we can join the rest of the industrialized world in guaranteeing health care to all people as a right of citizenship, and how we end the absurdity in this country of spending twice as much per person on health care as do the people of any other country.

My Republican friends have nothing to offer on this issue. We have 48 million Americans with no health insurance. What are the Republican ideas? They do not exist.

The point here is that no matter what your view may be about ObamaCare, it is incredibly irresponsible and reckless, and makes this country look incredibly foolish to the rest of the world, that they are prepared to shut down the government unless they get their way on this issue. But most importantly, all over America, while people are struggling, they are seeing this absurd debate about Republican efforts to shut down the government unless they defund ObamaCare.

People are saying: What about us? While you have this silly political fight, what are you doing to improve our lives, what are you doing to address the fundamental economic realities in this country, which is that the middle class of this great country is disappearing, more people are now living in poverty than at any time in history—46½ million—and the gap between the very wealthy and everybody else is growing wider.

We have this unbelievable economic situation where, while the vast majority of Americans have seen a decline in their standard of living, people on top are doing phenomenally well.

A report that came out last week from the Census Bureau quite incredibly tells us that in terms of median family income, that family right in the middle of American society now is earning less income than they did 24 years ago. Despite all of the increases in productivity, despite all of the new technology, that family in the middle is earning less income than 24 years ago. A typical middle-class family has seen its income go down by more than \$5,000 since 1999 after adjusting for inflation. The average male worker earned \$283 less last year than he did 44 years ago. The average female worker earned \$1,700 less last year than she did in 2007. Meanwhile, people on the top do incredibly well. Between 2009 and 2012, 95 percent of all new income went to the top 1 percent, and we now have by far the most unequal distribution of wealth and income of any major country on Earth.

We have a middle class that is disappearing, poverty is very high, and people on top are doing phenomenally well, 48 million Americans without any health insurance. The Republican solution to this plan is to bring down the government unless they can defund ObamaCare.

I think it is important for the American people to understand—and it is not discussed enough on the floor of the Senate or in the media—what the long-term plan of the Republican Party is. Is it simply to defund ObamaCare? No, it is not. Is it simply to shut down the government? No, it is not. It is important to understand what this right-wing, extremist ideology is all about

and to have a serious discussion as to whether the American people want to go forward in that direction, which is a lot more than just defunding ObamaCare or shutting down the government.

The Texas Republican Party every year publishes a platform. What is interesting about it is not just that Texas is a very large conservative State, but the ideas that emanate from Texas often become mainstream in the Republican Party a few years later. I think it is important to understand what, long-term, the Republican Party wants to do. Let me tell you some of the positions that were in the Republican Party platform in 2012, so we understand that what is being discussed—some cuts in Social Security, voucherization of Medicare, massive cuts in food stamps—is not the endgame. That is the beginning of the game. This is from the 2012 Texas Republican Party platform.

We support an immediate and orderly transition to a system of private pensions based on the concept of individual retirement accounts and gradually phasing out the Social Security tax.

I give them credit for being upfront and straightforward about the issue that is ending Social Security. That is it. Social Security has been the most effective and successful program in modern American history. It has taken tens of millions of seniors out of poverty. Basically, what the Texas Republican Party is saying is, We don't want to just cut Social Security, we want to end it. If you are old, what happens to you when you are 75 years of age and have no income coming, that is not their worry.

Furthermore, speaking now as the chairman of the Veterans' Committee, I want every veteran in America to understand long-term goals. This is from the 2012 Texas Republican Party platform: "We support the privatization of veteran's healthcare."

In other words, we have some 6 million veterans who are receiving good, quality health care at the VA. I myself think we should expand the program. There are at least 1 million veterans out there who are uninsured right now who could utilize VA health care. I myself think the eligibility requirements are too stringent. We should bring more people into the system. But our Republican friends in Texas, becoming mainstream, want to end veterans health care.

Next point:

We support abolishing all federal agencies whose activities are not specifically enumerated in the Constitution; including the Departments of Education and Energy.

The vast majority of people in the scientific community who study global warming think that global warming is a crisis today that is only going to get worse, and the only way to deal with that issue is having a concrete policy. They want to abolish the Department of Education. Millions of young people all over this country cannot afford the

cost of college today. Low-income kids, middle-class kids are struggling educationally all over this country. They want to abolish the Department of Education.

Furthermore, "We . . . oppose . . . mandatory kindergarten." One of the great crises in this country is childcare and the crisis of early childhood education. Working families in Vermont and all over this country are having a hard time getting affordable childcare.

"We believe the Environmental Protection Agency should be abolished"—not cut but abolished, so we can go back to the days when companies could throw their garbage into our rivers and streams, pollute the air, make kids sick, and get away with it with impunity because there is nobody there saying it is against the law. Nobody can enforce the law. They want to abolish the Environmental Protection Agency and endanger the health and well-being of kids and Americans all over this country.

Furthermore, "We recommend repeal of the Sixteenth Amendment of the U.S. Constitution, with the goal of abolishing the I.R.S. and replacing it with a national sales tax collected by the States."

What does that mean? It means the ending of any form of progressive taxation. As I pointed out earlier, the wealthiest people in this country are doing phenomenally well. The middle class is disappearing. What that means is we end the ability to ask the wealthiest people in this country to start paying their fair share of taxes. We put the tax burden on the middle class and working families—so lower taxes for the rich, raise it for the middle class and working families.

"We favor abolishing the capital gains tax [and the estate tax]." The estate tax applies to the very richest people in this country. Why not abolish it and put the burden of taxation on working families?

Here is one that I think many Americans don't appreciate where they are coming from. I hope very much that this Congress will begin to address the huge crisis facing tens of millions of workers who are working for starvation wages. The bottom line is that one of the reasons poverty in America is increasing is that people can't make it on \$7.25, \$8, \$9 an hour. We have to raise the minimum wage. It is now \$7.25 nationally. We have to raise the minimum wage to a living wage.

There can be an honest debate about how much higher the minimum wage should go. I understand it. I think California has recently raised it to \$10 an hour. The State of Washington has it higher. My own State of Vermont has it higher. We can have that debate. But this is what everybody in America should understand: In terms of debate with my Republican colleagues, that debate will not be how high we raise the minimum wage above \$7.25. This is what the Texas Republican Party platform in 2012 says: "We believe the minimum wage should be repealed." It

turns out that more and more of my colleagues in the Senate have been up-front about that.

What does that mean in the real world? What it means in those areas of our country where unemployment is extremely high and there is going to be a lot of competition for jobs, what employers will say is: Do you want to work? We are going to give you \$3.50 an hour. If you don't want that, I have that person over there who is prepared to take that job because I have a line of people out there who are unemployed who are prepared to work for any wage—and we no longer are going to have a floor on wages in America. That is what the Texas Republican Party believes. That is what more and more of my colleagues believe.

The point I am making this morning is that the fight we are having right now over shutting down the government, the debate I am sure will ensue shortly after about whether we raise the debt ceiling and whether, for the first time in the history of the United States, we don't pay our bills, causing not only a national financial crisis but an international financial crisis—all of these issues are related to something that is much larger; that is, the transformation of American society in a radically different way than it is today. Almost without exception, what my Republican colleagues want to do now is take us back into the 1920s, where working people had virtually no protection at all on the job, no minimum wage, no job safety protection, where Social Security didn't exist, where Medicare didn't exist, so that if you were old and you got sick, your future was not very bright. If you were poor and you got sick, you had nothing. They want to take us back to a time when a handful of corporations and wealthy people controlled the economic and political life of this Nation.

I do not believe that is where the American people want to go. I believe the American people want us to start focusing on issues of relevance to them; that is, the understanding that we need to create millions of decent-paying jobs by, among other approaches, rebuilding our crumbling infrastructure, the need to create jobs by making this country more energy efficient, so we can lower fuel bills and cut back on greenhouse gas emissions. What the American people want us to do is focus on the crisis of low wages in this country, to raise the minimum wage. They want us to make college education more affordable. They want us to end these horrendous loopholes that enable major multinational corporations to, in some cases, pay nothing in Federal taxes.

I think the time is long overdue for this Congress to start representing the working families of this country, the middle class of this country, and not simply wealthy campaign contributors.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF TODD M. HUGHES TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT

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

The assistant legislative clerk read the nomination of Todd M. Hughes, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit.

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

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

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

#### CONTINUING RESOLUTION

Mr. FLAKE. Mr. President, as we debate legislation to keep the government running, we should not be debating a budget number that is higher than the Budget Control Act asks for. Frankly, this is a statement that should not have to be said here on the Senate floor. Why would we even begin to consider a budget number that is some \$20 billion higher than the Budget Control Act? Have we somehow become flush with cash? I don't think so. Did we decide the way to run the country is to increase spending for a few months, only to have the sequester kick in, in January? Who are we kidding?

We are not kidding most Americans. They justifiably wonder what we are doing. Once again we find ourselves on the brink of a showdown and a shutdown. It is the same old story but amid the back-and-forth between the two sides of the aisle, Americans do not see Congress getting serious about Federal spending. We failed to pass even 1 of the 12 spending bills to responsibly fund the government for the fiscal year that starts in a few days. Had we taken up these bills in regular order, Members would have had the opportunity to review and consider our spending priorities. That is what people expect us to do here. Instead, we have procrastinated and put off the hard decisions like a bunch of teenagers putting off

the pain of a term paper, but this has more serious consequences.

Over the past several months the Senate could have voted on these bills, setting spending priorities while abiding by the \$967 billion budget cap for the next year. Instead, we chose to go through the motions of preparing spending bills as if no spending limit existed, with the knowledge that these bills would never see the light of day. Now as we quickly approach the 1st of October, we are faced with either passing the continuing resolution with a pricetag of \$986 billion, \$19 billion more than the law allows, or risking a government shutdown.

The Senate should at the very least take up a spending resolution that respects the realities we face, one that respects the Budget Control Act, one that funds government at the \$967 billion level for next year.

If we pass a bill above the limit set by law, we will simply cause another round of sequester cuts in January. I am all for responsible sequester replacement legislation that brings down our national debt, but we cannot and should not weaken the law of the land, the Budget Control Act, that has locked in real and meaningful cuts in spending.

As such, I hope the majority leader allows us to have a vote on a fiscally responsible continuing resolution. The majority leader has made clear his intention to amend the continuing resolution to address his concerns. A fair process would include affording other Members the same opportunity.

Any process that yields a take-it-or-leave-it approach to funding government while ignoring spending caps that are the law of the land is, quite simply, irresponsible.

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

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

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is currently considering the Hughes nomination.

Mr. LEAHY. Mr. President, the nomination of Todd Hughes to fill the judicial vacancy on the U.S. Court of Appeals for the Federal Circuit, which is an extremely important court. It is also an important milestone for the court. If confirmed, Mr. Hughes will be the first openly gay judge to serve on the Federal appellate court in our Nation's history. I am proud that the Senate has finally taken a historic step to break down another barrier to increase diversity on our Federal bench.

Mr. Hughes has extensive experience on issues that come before the Federal Circuit. He joined the Department of