

House in one party—as happens every now and then—and there is going to be a centerpiece of legislation that has been the Holy Grail to that party that is an absolute nightmare to the other side; it is going to pass the House on a party-line vote, it is going to come to the Senate, and somebody is going to get frustrated and say: I have 51-plus votes. I may have 57 votes. I don't have 60. And they are going to change the rule on legislation because the pressure to do it, now that we have gone down this road, is going to be immense. I am by no means perfect. But when this happened on our watch, I tried to find a way to avoid it. But we are where we are.

Finally, about ObamaCare. Let me tell you from a Member of Congress point of view something you should consider. All of us are Federal employees and we get a subsidy for our health care premiums similar to every other fellow employee. It is not a unique deal to Congress. If you are a member of the Federal Government, you get up to 72 percent of your premium subsidized. Other employers do that, but it is a darned good deal that is available to all Federal employees.

Again, I compliment Senator GRASSLEY. He said: If we are going to have ObamaCare, we ought to be in it. We, the Congress, and our staffs. Under the law that was passed—I think Senator GRASSLEY was the originator of this idea—Members of Congress and our staffs have to go into the exchanges. But we have the ability to go into the District of Columbia exchange, and the law is written such—and every Member of Congress who takes this subsidy is entitled to do it. I don't blame them one bit. You have to go into the exchange, and your premiums are going to go up, but the subsidy will continue.

Senator VITTER believes, and so do I, that because we are leaders we should take the road less traveled and experience more pain than those who follow. So I have been of the opinion that if you are going to change this law, the Congress should not only go into the exchange, we shouldn't get a subsidy any longer. Why? Because most Americans are going to lose their employer-sponsored health care as it exists today—maybe not in total but their premiums are going to go up dramatically because employers cannot afford to pay the increased premium under the old system. So they will either lose employer-sponsored health care and become an individual or they are going to have to pay more because their employer is in a bind and they can't afford the subsidies that once existed—because premiums for employers, similar to individuals, are going to go through the roof.

I wish to give an example about what I have chosen to do. I have chosen not to go into the DC exchange but to enroll in South Carolina because that is where I live. Enrolling in the South Carolina exchange, I will not get a subsidy. That was my choice. I accept that

choice. Why am I doing this? To try to lead by example what I think is coming to a lot of Americans in some form or another.

So here is what happens with me: Under the old system, I was paying \$186 a month. If I went into the DC exchange, my premiums would go up but not a huge amount. But now that I am enrolling as a 58-year-old short White guy in South Carolina, my premiums are based on the county I live in and my age, with no subsidy, because I make too much money to get a subsidy. People at my income level don't deserve a subsidy because it would bankrupt the Nation more than we are already doing if we did that.

Under ObamaCare in South Carolina, I chose the Bronze plan. Why? It is the cheapest one I could find. I am not independently wealthy. I make a very good living as a Member of the Senate, almost \$180,000, but at the end of the day here is what is coming my way:

My premium goes up to \$572 a month from \$186. That is \$400 a month, almost, a 200-percent increase.

Under my old health plan if I went to the doctor, I paid a \$20 copay. Under the new Bronze plan, I pay \$50.

Under the old plan if I saw a specialist, it was \$30. Under the new plan, it is \$100.

My old deductible was \$350 a year. My new deductible is \$6,350—a \$6,000 increase.

My old plan had a \$5,000 out-of-pocket limit. The new one is \$6,350.

You also get rated not just on your age but where you live. I am paying \$70 a month more than a county that is 40 miles away.

The bottom line is that what I am experiencing a lot of other people are going to experience. I am paying a lot more for a lot less. How can that be?

When you are told that you get more and you pay less and a politician tells you that, you ought to be very leery. That hasn't worked out in my life: You are going to get a lot more, but you are going to pay less.

The reason these premiums are going up is that all the uninsured—and I want to provide coverage to the uninsured as much as anybody else—get insurance coverage with a subsidy. Who is paying those subsidies? The rest of us.

So we are going to see next year employers having to back out of employer-sponsored health care either in total or in part. What we are going to find throughout this country is that people who had employer-sponsored health care, just like the individual markets, their premiums are going to skyrocket—maybe not as much as mine, maybe not 200 percent. The deductibles are going to go up—maybe not as much as mine at \$6,000, but everybody in the country doesn't make \$176,000.

So every Member of Congress should look at what would your life be like if you didn't have a Federal Government subsidy, if you didn't enroll in the DC

exchange, if you went back home and had to pick a plan similar to everybody else in your State? You ought to sit down and look at what your individual life would be like. If you just look, you will be shocked. I sure was.

This is not about me, even though I am giving you an example about myself. It is about an idea called ObamaCare that is going to destroy health care as we know it in the name of saving it and making it better.

I think we all agree we need to reform health care. But I think most Americans believe their old health care system was working pretty good for them, but it could always be made better.

So I would ask every Member of Congress, whether you go into your State exchange, if one exists, or not, do the math. You are going to be shocked at how it would affect you. Let me tell you, it is going to affect people you represent in similar fashion.

So what do you do? Why don't we just try to sit down and start over and see if we can do better before it is too late?

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

UNEMPLOYMENT

Mr. SANDERS. Mr. President, there is a reason why the favorability rating of the Congress is somewhere, on a good day, around 10 percent. The reason I think is pretty simple: The American people are hurting. They look to their elected officials to try to do something to address the problems they have and the crises facing our country. Time after time, they see the Congress not only not responding to the needs they face but in many cases doing exactly the opposite. In poll after poll, the American people tell us the most pressing issue they face deals with the economy and high unemployment.

When we look in the newspapers, we are told the official unemployment rate is 7 percent. By the way, that is a rate which has in recent months gone down, and that is a good thing. But the truth is, if you include people who have given up looking for work and people who are working part time when they want to work full time, real unemployment in this country is 13.2 percent. That is enormously high.

The unemployment rate for our young people is close to 20 percent, and there are parts of the country where it is higher than that. African-American youth unemployment is close to 40 percent.

So what we are looking at all over this country are millions and millions of people who want jobs, who want to work, and who can't find those jobs. We are looking at a younger generation of workers who cannot get into the economy. If you are a young person and you leave high school, for example, and you can't get a job in your first year out there or your second year, if you think

this does not have a cataclysmic impact on your confidence, on your self-esteem, you are very mistaken.

I fear very much and worry very much about the millions of young people out there who are not in school, who are not working. Tragically, many of those young people will end up on drugs. Some of them are going to end up in jail. These are issues we have to consider.

What the American people tell us over and over is: Yes, the deficit is a serious problem. I believe it is. Everybody in the Congress believes it is. But what the American people also say is: High unemployment is an even more serious issue.

According to a March 2013 Gallup poll, 75 percent of the American people, including 56 percent of Republicans, 74 percent of Independents, and 93 percent of Democrats, support "a Federal job creation law that would spend government money for a program designed to create more than 1 million new jobs."

What the American people are saying is, yes, we have made progress in the last 4 years. We have cut the deficit in half. We have to do more. But what the American people are saying loudly and clearly is that we need to create jobs.

What they also understand, and poll after poll indicates this, is that when we have an infrastructure that is crumbling—roads, bridges, water systems, wastewater plants, our rail system—when we have an infrastructure that is crumbling, we need to invest in rebuilding that infrastructure. When we do that, we create significant numbers of jobs. That is what the American people want us to do. When is the last time you even heard that debate here on the floor of the Senate?

The unemployment crisis, the need to create jobs—that is what the American people want us to do, and we are not even talking about that issue.

There is a second issue about which the American people are very clear. It is a funny thing—sometimes the media writes about how partisan the Congress is, how divisive the Congress is. Senator GRASSLEY and I supposedly hate each other, we do not talk to each other, and all that nonsense. That is not the reality. The truth is that among the American people, surprisingly enough, there is a lot of consensus. I mentioned a moment ago that the American people very strongly believe that we should invest in our infrastructure and create jobs. Unfortunately, that is not what we are doing.

Here is another issue about which the American people are loud and clear. They understand that—tragically in today's economy—most of the new jobs that are being created are not good-paying jobs. That is the sad reality. Most of the new jobs that are being created in today's economy are low wage jobs and many of them are part-time jobs. If you are making \$8 or \$9 an hour and you are working 30 hours a week, you are going to have a very hard time supporting yourself, let alone a family.

What do the American people say? They say raise the minimum wage. Raise the minimum wage.

Let me quote from today's Wall Street Journal:

Americans strongly favor boosting the Federal minimum wage to \$10.10 an hour but oppose raising it above that, a Wall Street Journal/NBC News poll finds. In the survey, 63 percent supported a rise to \$10.10 an hour from the current \$7.25 rate.

Sixty-three percent of the American people support that. Democrats strongly support it, Independents support it, and many Republicans support it. One would think, therefore, when the vast majority of the American people understand that \$7.25 an hour is a starvation wage and that we need to raise the minimum wage to at least \$10.10 an hour, we would be moving on it. Maybe we would get a UC on it, a unanimous consent. Let's get it done. I fear very much that right here in the Senate we are going to have a very difficult time gaining 60 votes. I hope I am wrong, I sincerely do, but I am not aware at this point that there are any Republicans prepared to support an increase of the minimum wage to \$10 an hour. I believe in the Republican-controlled House it would be extremely difficult to get legislation widely supported by the American people through that body.

But not only will my Republican colleagues not do what the American people want in terms of raising the minimum wage, quite incredibly, I have to tell you that many of my Republican colleagues do not believe in the concept of the minimum wage. Many of them believe we should abolish the concept of the minimum wage, so that if you are in a situation in a high-unemployment area where workers are desperate for work and an employer says: Here is \$4 an hour; take it or leave it, that is OK for some of my Republican colleagues.

Again, we are in a situation where the vast majority of the American people want to do something about low wages. They want to raise the minimum wage, and we are going to have a very difficult time getting that legislation through. I hope I am wrong, but I do know that unless the American people stand up, get on the phone, start calling their Senators and Members of Congress, we probably will not succeed in doing what the American people want.

Interestingly enough, what the American people also understand is that raising the minimum wage will help us with the Federal deficit in a variety of ways. It may be a surprise to some Americans to know that the largest welfare recipient in the United States of America happens, coincidentally, to be the wealthiest family in America. The Walton family, which owns Walmart, is worth about \$100 billion. They are the wealthiest family in America. They own more wealth as one family than the bottom 40 percent of the American people—extraordinary wealth. One of the reasons they are so

wealthy is the American taxpayer subsidizes Walmart because Walmart pays low wages, provides minimal benefits, and many of their workers end up on Medicaid, they end up on food stamps, and they end up in government-subsidized housing. I am not quite sure why the middle-class working families of this country have to subsidize the Walton family because they pay wages that are inadequate for their workers to live a dignified life.

My hope is that when the American people are loud and clear about the need to raise the minimum wage, their Congress will respond, but I have to tell you that I have my doubts.

What we also hear—and most recently from Pope Francis—is an understanding that there is something profoundly wrong about a nation and increasingly a world in which so few have so much and so many have so little. In the United States of America today we have more wealth and income inequality than at any time since the late 1920s, and we have more wealth and income inequality than any other major country on Earth. Today the top 1 percent of our population owns 38 percent of the wealth of America, financial wealth of this country, and the bottom 60 percent owns 2.3 percent. The top 1 percent owns 38 percent of the wealth of America, and the bottom 60 percent owns 2.3 percent. Is that really what America is supposed to be about? I think not. I think Pope Francis recently talked about that issue. He talked about the moral aspects of that issue. He is exactly right.

Those are some of the issues we have to talk about.

Another issue out there that I think we have to be very clear about—and again the American people are extraordinarily clear about this—the American people understand that Social Security has been probably the most successful Federal program in the modern history of this country. For the last 70-plus years it has kept seniors out of poverty. In fact, before Social Security 50 percent of seniors in this country lived in poverty. Today that number, while too high, is about 9.5 percent. That is a significant improvement. And Social Security, despite what is going on in the economy—in good times and bad times—has never once failed to pay all of the benefits owed to every eligible American.

Today Social Security has a \$2.7 trillion surplus. It can pay every benefit owed to every eligible American for the next 20 years. Do you know what the American people say about Social Security? They say it loudly and clearly. Republicans say it, Independents say it, and Democrats say it. Do not cut Social Security. Do not cut Social Security. Yet I have to tell you that virtually all Republicans think we should cut Social Security. Some Democrats believe we should cut Social Security. The President of the United States has talked about a chained CPI—a very bad idea—about cutting Social Security.

Maybe we should listen to the American people and make it very clear: No, we are not going to cut Social Security. In fact, we are going to take a new look at Social Security and see how we can make it solvent not just for 20 years but for 50 years and in addition to that increase benefits. There are pretty easy ways to do that, including lifting the cap on taxable income that goes into the Social Security trust fund. As you know, today, if somebody makes \$100 million and somebody makes \$113,000, they both contribute the same amount into the Social Security trust fund. Lift that cap. You can start at \$250,000, and you will solve the Social Security solvency issue for the next 50 or 60 years. That is exactly what we should do, and that is what the American people want us to do.

In terms of Medicare, people say Medicare has financial problems, and it does. The issue—and interestingly enough, it gets back to what Senator GRAHAM was talking about. He was talking about his health care plan in South Carolina. It sounds like a pretty bad plan to me, I agree with him. What is the issue there? The issue we have to look at, which we don't for obvious issues, is how does it happen that in the United States of America—before the Affordable Care Act; things will change a little bit—before the Affordable Care Act, we have 48 million people who are uninsured, we have tens of millions more people who have high deductibles, like Senator GRAHAM—a \$6,000 deductible is incomprehensible—and high copayments. At the end of the day, 48 million people uninsured, high deductibles, high copayments, health outcomes that are not particularly good—better than some countries, worse than other countries—infant mortality worse, longevity worse, life expectancy worse, yet we end up spending twice as much per person on health care as any other nation. How does that happen? How do we spend so much and get so little value? Is that an issue we are prepared to discuss? I guess not because the private insurance companies say: Don't talk about that. We are making a whole lot of money out of the current health care system, including the Affordable Care Act. We make a lot of money, our CEOs do. Yes, we are spending 30 cents of every dollar on administrative costs, on bureaucracy, on advertising. Don't touch that because that is the American health care system. I suggest we have to take a hard look at what goes on in the rest of the world.

People have said we have the best health care system in the world. That is not what the American people say. The polls I have seen show that there is less satisfaction with our system than exists in other countries around the world, for obvious reasons. We spend a lot. We get relatively little.

Are we prepared as a Congress to stand up to the insurance companies? Are we prepared to stand up to the

drug companies that charge us far higher prices for prescription drugs than any other country on Earth? Are we prepared to stand up to the medical equipment suppliers?

I don't think so because that gets us into the issue of campaign finance, where people get their money to run for office, because these guys contribute a whole lot of money.

Are we prepared to stand up to Wall Street? We have six financial institutions on Wall Street that have assets of over \$9 trillion—equivalent to two-thirds of the GDP of the United States of America. They write half of the mortgages in this country, two-thirds of the credit cards. Do you think maybe it is time to break up these guys or are we going to march down the path of too big to fail and have to bail them out again? Do you hear a whole lot of discussion about that, Mr. President? No, not too often.

Let me conclude. We had the president of the World Bank here yesterday talking about global warming. As I think most people know, the entire—well, virtually the entire scientific community, people who study the issue of global warming, understands that the planet is warming significantly, that it is already causing devastating problems, that the issue is manmade, and that if we do not address this crisis by cutting greenhouse gas emissions and moving away from fossil fuels, the habitability of this planet for our kids and our grandchildren will be very much in question. That is what the scientific community says. Have you heard any debate on this floor about how we are going to aggressively transform our energy system? We do not do it.

Let me conclude by saying this. There is a reason the Congress has a favorability rating of about 10 percent, and that is that the American people are hurting and we are not responding to that pain. We are not addressing the many crises facing this country, and the American people are saying to Congress: What world do you live in? How about joining our world? How about changing your attention to our needs?

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we are in postcloture debate on the nominee for the Circuit Court for the District of Columbia. I want to speak on that nomination, but I am also going to take time to speak on issues dealing with the Defense Department, the farm bill, and the new nominee for the Department of Homeland Security.

I will take a few minutes to discuss the President's ongoing scheme to stack the DC Circuit with committed ideologues so that the President's regulatory agenda doesn't run into judicial roadblocks.

Yesterday, the Senate confirmed the first of three nominees to the DC Circuit that the court does not need. Let me emphasize that: Does not need. Of

course, the Senate denied its consent on these nominees just a few short weeks ago.

Some may ask: What has changed during that time? The vote count certainly has not changed. It is not as if Democrats persuaded some of their Republican colleagues to change their minds.

That is what you would expect in a body that operates based upon rules that guarantee the minority a voice. That is what you would expect in what is supposed to be the greatest deliberative body on Earth. That is what you would expect under normal circumstances, but as I explained in an earlier speech this week on another nominee for the same court, these are not normal circumstances.

No, today's circumstances are different.

Today the President's legislative agenda cannot get traction in Congress. And, no, it is not because Republicans will not negotiate with the President. It is because the President of the United States is out of step with the American people.

Today the President's signature health care law, which was passed without a single Republican vote, is becoming more and more unpopular with each passing day. And no, it is not because the administration has not done a good job of "messaging" ObamaCare. It is precisely because of that message.

Today, the President can't get climate change legislation passed by Congress, and, no, it is not simply because of Republican opposition. It is because the President's agenda is too extreme even for some Senate Democrats.

The President and his agenda are out of step with the American people, and as a result, he cannot get his agenda adopted in this Congress. But that doesn't seem to matter to the radical liberal interest groups who support these policy initiatives. They want results—no matter what.

These liberal interest groups are not satisfied with constitutional separation of powers. They want the President and his allies in the Senate to do whatever it takes to get the same results they would get if there were 535 Members of Congress just as liberal as the President.

Those interest groups want the President to legislate by executive order and by administrative action. They want the President to suspend the law when it suits his purposes, just as the English kings used to do. In fact, the reason our Constitution requires—and let me emphasize requires—the President to "faithfully" execute the law is because the English kings would unilaterally—and selectively—suspend laws passed by the parliament. But none of this matters to the liberal interest groups. They want results—no matter what.

In fact, the President has made such a practice of legislating by Executive Order and administrative action, that he has created the expectation among

his most faithful supporters that there is nothing he cannot do unilaterally.

Just a week or two ago, the President was delivering a speech in California when one of his own supporters interrupted and heckled him for not issuing an executive order to stop all deportations.

The heckler shouted:

Use your executive order to halt deportations of 11.5 million undocumented immigrants in this country. You have the power to stop deportations right now.

The President responded:

Actually, I don't. We are a nation of laws.

I must say, I understand the confusion. The most extreme elements of the President's supporters have witnessed him pick and choose which laws he will faithfully execute and which he will suspend, or as the President likes to say, "waive." So, it is no wonder that those supporters would say: Just issue an executive order. We want results.

It is just like King George III.

It is no wonder that those supporters would say: We don't care that there isn't support in the Congress to pass legislation imposing cap-and-trade fee increases. We want results.

Just like King George III.

It is no wonder that those supporters would say: We don't care if Democrats block judges to the DC Circuit based on the standards the Republicans are applying today. That was then, this is now. We want results.

Just like King George III.

It is no wonder that those supporters would say: We don't care about two centuries of Senate history and tradition that has been passed down faithfully from one majority leader to the next. We want results.

Just like King George III.

Climate change regulations are too important. Salvaging ObamaCare is too important.

So as we all know, the majority buckled to the pressure from these extreme liberal interest groups and broke the rules of the Senate to change the rules. They tossed aside two centuries of Senate history and tradition. This history and tradition—until 2 weeks ago—had been carefully guarded and preserved by each succeeding majority leader.

Those leaders remembered the history of King George III.

They did all of this just so they could install the President's hand-picked judges, so they could hear challenges to his signature health care law and to the rest of his regulatory agenda, such as climate change regulation.

But when a President selects a nominee for the specific purpose of rubberstamping his agenda—an agenda that has proven too extreme for even Members of his own party—he needs a judge who can be counted upon to follow through.

Given that it is inappropriate to ask prospective nominees how they would rule on particular cases, how would this White House make certain that their nominees would follow through

and rubberstamp the President's agenda?

Based upon Professor Pillard's record—and that is the nominee we will be voting on tomorrow—apparently the White House looked out over academia and selected the most liberal nominee they could find.

Because Professor Pillard fits that bill to a T.

I have heard my colleagues come to the floor and argue that these nominees to the DC Circuit are mainstream. Professor Pillard may be a fine person, but make no mistake about it, she is not mainstream. She is the furthest thing from it.

I am sure that the White House is confident she can be counted upon to rubberstamp its agenda, but don't confuse her views with the mainstream of American legal tradition. I have a sampling of things she has written and said. I will read some of what she has written, and I then ask you to determine if she is mainstream.

She has written this about abortion:

Casting reproductive rights in terms of equality holds promise to recenter the debate towards the real stakes for women (and men) of unwanted pregnancy and away from the deceptive images of fetus-as-autonomous-being that the anti-choice movement has popularized.

Think of "deceptive images of fetus-as-autonomous-being." Is that mainstream?

She argued this about motherhood:

Reproductive rights, including the rights to contraception and abortion, play a central role in freeing women from historically routine conscription into maternity.

Now, think about that: "historically routine conscription into maternity." Is that mainstream?

She has also argued this about motherhood:

Antibortion laws and other restraints on reproductive freedom not only enforce women's incubation of unwanted pregnancies, but also prescribe a "vision of the woman's role" as mother and caretaker of children in a way that is at odds with equal protection.

Is that in the mainstream?

What about her views on religious freedom? This really ought to shock you. She argued that the Supreme Court case of *Hosanna-Tabor Evangelical Lutheran Church*, which challenged the so-called "ministerial exception" to employment discrimination represented a "substantial threat to the American rule of law."

The Supreme Court rejected her view 9 to 0. Nine to zero. And the Court held that "it is impermissible for the government to contradict a church's determination of who can act as its ministers."

Do my colleagues honestly believe that it is within the mainstream to argue that churches shouldn't be allowed to choose their own ministers? I don't think so.

I asked Professor Pillard about *Hosanna-Tabor* and religious freedom at her hearing. She testified this way:

And I have to admit, Senator GRASSLEY . . . I really called it wrong on that case. I

did not predict that the Court would rule as it did.

In other words, she tried to dodge the question by leaving the committee members with the impression that she had merely taken a stab at predicting the case's outcome and that she had gotten it wrong.

Of course, I wasn't troubled that Professor Pillard had wrongly predicted the outcome. I was troubled because she actually argued that a ruling in favor of the church would represent a "substantial threat to the American rule of law."

I don't believe that there is a single Member of this body on either side of the aisle who would subscribe to that argument anymore than the nine justices of the Supreme Court did. If I am wrong about that, then I would like to hear the Senator explain how it is mainstream to argue that granting our churches the latitude to choose their own ministers represents a "substantial threat to the American rule of law."

These are the so-called "mainstream views" the President wants to install on a court that will hear challenges to his most important priorities. Is it any wonder that the President apparently has high confidence will Professor Pillard rubberstamp his agenda?

Before I close, let me make one final point.

Given the circumstances surrounding how these nominees were selected and nominated;

Given all three were nominated simultaneously for the purpose of changing judicial outcomes and rubberstamping the President's agenda;

Given they were nominated and rammed through the process, without regard to the fact that there is not even enough work for them to do;

Given the President was originally denied consent under the Rules of the Senate;

Given that the President and certain far-left liberal interest groups successfully persuaded the majority of the Senate to cast aside two centuries of Senate history and tradition in order to get them confirmed;

And given the extremely liberal record I discussed;

If you were a litigant challenging the President, or one of his administrative actions and you drew a panel comprised of Professor Pillard, Millett, and Judge Wilkins, can you honestly say that you would be confident you would get a fair shake?

Of course not.

And that, my colleagues, is a sad commentary on the damage the President and the Senate majority have inflicted not only on the Senate but also on our judiciary and fundamental notions of the rule of law.

I urge my colleagues to oppose the Pillard nomination.

HOW THE AUDIT PROCESS WAS COMPROMISED

For several years, I have been trying to get the Defense Department inspector general to do its job, and I have had