turns out that more and more of my colleagues in the Senate have been upfront 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

Justice in 1994 and, since 2007, has served as Deputy Director for the Commercial Litigation Branch of the Civil Division. Mr. Hughes earned his B.A. cum laude from Harvard and his J.D. with honors from Duke Law School. Upon graduating law school, he served as a law clerk to the Honorable Robert Krupansky of the United States Court of Appeals for the Sixth Circuit.

Mr. Hughes' nomination was reported unanimously by the Judiciary Committee more than 2 months ago and could—and in my view should—have been confirmed within days. At a time when judicial vacancies are once again above 90, this kind of needless delay undermines the serious work we have to do to ensure the ability of our Federal courts to provide justice to Americans around the country. In addition to Mr. Hughes, we have 13 other Federal circuit and district nominees pending on the Executive Calendar. Of those nominees, 11 were reported by voice vote and there is no good reason to not confirm them today.

The delays in confirming noncontroversial consensus nominees have a real life impact on the American people and the economy. It does not benefit anyone if litigants have their cases delayed for months and months because our Federal courts are understaffed. Americans are rightly proud of our legal system and the promise of access to justice and speedy trials that is embedded in our Constitution.

Also critical to the functioning of our courts is doing all we can do to alleviate the harmful impact of sequestration. As we debate the continuing resolution to fund the Federal Government we must look to streamline wherever we can, but we should do so with care and not simply cut indiscriminately across the board. We have the benefit of the greatest justice system in the world for less than 1 percent of our entire Federal budget. Yet, we refuse to provide this coequal branch with the adequate resources it needs. Let us work to reverse the senseless cuts to our legal system from sequestration so we can help our coequal branch meet the Constitution's promise of justice for all Americans.

I congratulate Mr. Hughes on what I expect will be an overwhelming vote in support of his confirmation. And I commend President Obama for his continued commitment to nominating highly qualified and diverse individuals.

CONTINUING RESOLUTION

Mr. President, I have another important matter to address.

I remember the Bill Murray movie ''Groundhog Day''—a wonderful movie, farcical but nowhere near as farcical as the groundhog day we have once again in Congress. We find ourselves in a funding crisis manufactured by a small, partisan faction. They say they are doing this for the good of the country as they watch people's pension funds and their savings for the kids' college—not to mention everything else—go south because of the concern the markets and investors have as they wait to see if Congress can get its act together and actually do what we were elected to do.

This small group of ideologues continue to turn their backs to reality. They insist on their ''my way or the highway'' ultimatums to the rest of the country, which is preventing a bipartisan solution on the funding bill and is leading us to the brink of a government shutdown.

I love my grandchildren. They range in age from 5 to 15 years old. I have watched them grow up. I saw them on the playground when they were 1, 2, 3, and 4 years old. Sometimes they would have little squabbles, but they would work it out. This is a playground that would be a terrible example to children in a schoolyard. This crisis is again artificial and manufactured for political posturing. Even its effects on the American people as we all again must anticipate a shutdown—are as real as they are avoidable. The American public is rightly weary and wary of this brinkmanship and of one Made in Congress, manufactured crisis after crisis. This artificially induced uncertainty is harmful as well to our American economy, which is still tentatively regaining its footing after the great recession.

Some could come and posture—in this body or the other body—about how they will shut down the government if they don't have their way because they have this figured out better than everybody else.

They will get their 2 or 3 minutes on television, and they will be very happy that they did. The American people who will see their businesses close, their stocks go down, their savings dry up, and their jobs closed off just so someone can get on television, are not thrilled about this, especially when it is all totally unnecessary.

The issue that is preventing even a temporary spending bill from making it to the President's desk is the Affordable Care Act. Unfortunately, ever since its enactment, many Republicans in Congress have been determined to derail the law and prevent its implementation. They don't come up with a better idea. They say it is all or nothing. They don't come and say: What are we going to do to help pay for your kids' insurance while they are in college? What are we going to do to help your family if they have a preexisting condition. No, no, no. We are just going to say no to everything.

Instead of doing the people's business, such as enacting routine budget measures before the end of the fiscal year, the House has voted more than 40 times this year alone to defund this landmark law, the Affordable Care Act. They have no interest in fixing problems or making it better—only in blowing it up. Even though the President has promised to veto a bill that includes this provision and the Senate has voted down similar measures in the past, the law's opponents perceive this short-term spending bill as an opportunity to hold the rest of America and all government activities hostage to their ideological demands.

They have not come up with one single idea of how they might make it better. They have not come up with anything. They haven't proposed an idea and said: Here is our idea that could be better. No, just get rid of it all.

Actually, I would remind them that was the position of their candidate for President 1 year ago. He said if he were elected President, he would do away with it. What did the American people say? I recall how that election came out.

Let's think about what defunding and repealing the Affordable Care Act would really mean: Our country would return to a time when insurance companies could deny coverage because of a preexisting health condition. Benefits would be stripped for those who get sick. And seniors would pay more for prescription drugs. Tens of millions Americans are currently without health insurance, but the health insurance marketplaces opening next month will provide access for these Americans to obtain coverage. And while we often hear that this is a ''job-killing'' bill that is adding trillions of dollars to our deficit, that rhetoric could not be farther from the truth. Repealing the Affordable Care Act would actually add to our deficit, because the reforms we put in place more than three years ago are designed to save health care costs in the long run.

Beyond that damage, the House continuing resolution also would drastically affect current Medicare beneficiaries. The House bill would eliminate free wellness visits, which this year alone have helped 16.5 million seniors gain access to quality preventative care. The House's short-sighted CR would also stop Medicare prescription drug coverage and discounts known as the ''donut hole'' forcing seniors to pay more out-of-pocket for their prescription drugs. And sadly, seniors are not the only ones who would be harmed by this cynical House legislation. Community Health Centers, which provide necessary care to our rural communities across the Nation and especially in Vermont, would be hit with a 60 percent reduction in Federal funding. Lifesaving nurse visitation programs to help low-income mothers carry healthy babies to term would be eliminated, and more than 92,000 individuals who currently have coverage under the Pre-Existing Condition Insurance Plan Program would be dropped. The list goes on.

The ill-conceived, short-term spending bill passed by the House last week is not the only bill approved by the other body that would deal firm blows to the most vulnerable in the country. After refusing to bring a farm bill to the House floor that would garner enough bipartisan votes to pass—as the chair of our committee, Senator STABENOW, did in the Senate, where we had

a bipartisan bill—House leaders took the unprecedented step earlier this year and split food assistance from the other essential programs supported by the farm bill, even though we passed a farm bill that would save $25 to $30 billion.

After months of delay, last week the House voted on a separate nutrition title, which only moves us further away from enacting a farm bill before the programs expire on September 30. This latest lurching maneuver means even more uncertainty for farmers.

Instead of standing with the millions of Americans who are still struggling to put food on the table—these House Members never have to go hungry, except by choice, because of the huge salaries they make—it is regrettable and inexcusable that the House Republicans are turning to slashing essential nutrition help for struggling Americans. Ensuring that these programs can continue to serve Vermonters and all Americans in need is a key part of enacting a strong farm bill for our country. It is a reality recognized by the bipartisan Senate-passed farm bill.

The House cuts SNAP benefits by levels 10 times as high as the bipartisan Senate bill and twice as high as the House's original bill. These cuts would mean that each year an average of 3 million people would be kicked off food assistance, even those who are working and making as little as $2,500 per year. What is worse, the bill will mean hundreds of thousands of children will lose access to school meals. Ask any teacher, whether in Hawaii, Vermont or in any other State, does a hungry child learn? Of course not.

These school meals are an investment in our future and an investment in our children. Having young people who are able to learn is an investment in the future of the U.S. economy. So what do we say? Oh, no, we are not going to feed them. This is a country that spends billions of dollars just to get rid of excess food and on needless diet programs, but we cannot feed children in school. It is shameful. It is mean-spirited, shortsighted, and it hurts America.

If that were not enough, the House Republicans also assert with their bill that 3 months of benefits every 3 years is plenty of time for out-of-work Americans to find a job that pays well enough to feed a family. Get real. Have they seen what happened to the economy in this country? Have they seen what happened as we try to drag ourselves back from the horrible recession they put us into a few years ago? Unfortunately, when there is only one job for every three unemployed workers. Simply telling out-of-work Americans to get a job is easier said than done. Somebody ought to ask them why don't they do their jobs.

Times of high unemployment are the very reason we have food assistance. These food programs were always carried by Republicans and Democrats who worked together to help Americans get back on their feet. Despite the heated rhetoric, our Food Stamp Program is working as intended.

I was fortunate to come here when we had two men with entirely different philosophies. Both men became nominees of their party to run for President, George McGovern and Bob Dole. They worked together to feed the hungry people in this country, especially in the School Lunch Program.

The Congressional Budget Office forecasts that the SNAP costs will fall over the next several years. As the economy improves and people get back to work, those costs will come down. Children who are educated will create jobs.

Instead, we have bumper sticker politics—appealing to our worst instincts. It is churlish, childish, and irresponsible. I might also say it is immoral.

The House-passed CR and the House so-called farm bill will only worsen the gridlock that crippled the Senate since our return from the August recess. We are elected not to grandstand but to legislate. Let's legislate around here. Members need to stop running to the cameras, getting little sound bites and saying things such as: I am standing up for America, as they do everything to kill the American economy.

We were not elected to make the government less efficient. We are even unable to make the most basic decisions that the American people elected us to make. The American people want us to solve the problems now through fair solutions and through the give-and-take of our elected government.

I appreciate the fact that the people of my State—Republicans and Democrats together—give me the honor of serving here. I have become the longest serving Senator from our State and also the longest serving Senator in this body. I have seen Republicans and Democrats work together on these problems. I have seen people in the past do that. I know it can be done but not when a tiny minority says: We are the only ones who know what to do, and we will make the decision. No. We have good men and women from both parties in the House and Senate. Let's stop the bumper sticker politics. Let's get back to work and do things the way they should be done. There is still time to show the American people that we know why we were sent here and that Congress can still do the work of the Nation.

Mr. President, I yield back all time.

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

The question is on the Hughes nomination.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Todd M. Hughes, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Colorado (Mr. UDALL) are necessarily absent.

The PRESIDING OFFICER (Ms. HEITKAMP). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 204 Ex.]

YEAS—98

Alexander	Flake	Mikulski
Ayotte	Franken	Moran
Baldwin	Gillibrand	Murkowski
Barrasso	Graham	Murphy
Baucus	Grassley	Murray
Begich	Hagan	Nelson
Bennet	Harkin	Paul
Blumenthal	Hatch	Portman
Blunt	Heinrich	Pryor
Boozman	Heitkamp	Reed
Boxer	Heller	Reid
Brown	Hirono	Risch
Burr	Hoeven	Roberts
Cantwell	Inhofe	Rockefeller
Cardin	Isakson	Rubio
Carper	Johanns	Sanders
Casey	Johnson (SD)	Schatz
Chambliss	Johnson (WI)	Schumer
Chiesa	Kaine	Scott
Coats	King	Sessions
Coburn	Kirk	Shelby
Cochran	Klobuchar	Stabenow
Collins	Landrieu	Tester
Coons	Leahy	Thune
Corker	Lee	Toomey
Cornyn	Levin	Udall (NM)
Crapo	Manchin	Vitter
Cruz	Markey	Warner
Donnelly	McCain	Warren
Durbin	McCaskill	Whitehouse
Enzi	McConnell	Wicker
Feinstein	Menendez	Wyden
Fischer	Merkley	

NOT VOTING—2

Shaheen	Udall (CO)

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table, and the President will immediately be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

RECESS

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

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2014—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, as the chair of the Appropriations Committee, I rise to oppose the continuing resolution the House passed last week