

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