

Udall (CO)	Warner	Wyden
Udall (NM)	Warren	
Walsh	Whitehouse	

NAYS—40

Alexander	Fischer	Moran
Ayotte	Flake	Paul
Barrasso	Grassley	Portman
Blunt	Hatch	Risch
Boozman	Heller	Rubio
Burr	Hoeven	Scott
Chambliss	Inhofe	Sessions
Coats	Isakson	Shelby
Collins	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Kirk	Vitter
Crapo	Lee	Wicker
Cruz	McCain	
Enzi	McConnell	

NOT VOTING—8

Coburn	Landrieu	Roberts
Cochran	Levin	Rockefeller
Graham	Murkowski	

The PRESIDING OFFICER (Ms. HEITKAMP). On this vote, the yeas are 52, the nays are 40.

The motion is agreed to.

#### NOMINATION OF ROBERT S. ADLER TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Robert S. Adler, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission.

The PRESIDING OFFICER. Under the previous order, the time until 4 p.m. will be equally divided in its usual form.

The Senator from South Dakota.

Mr. THUNE. Madam President, are we in morning business?

The PRESIDING OFFICER. We are postcloture on the Adler nomination.

#### OBAMACARE

Mr. THUNE. Very good.

Madam President, I wish to speak today about some of what is happening here with the agenda and where we might be headed. I think it is important to point out that the Democrats here, after this election, seem to be in disarray. We have fractures emerging on the left and the right.

Senate Democrats and the President are blaming each other for the Democrats' devastating election loss. The President is threatening a veto on a bipartisan tax extenders package that was negotiated by the House Ways and Means Committee chairman and the Senate Democratic leader.

The senior Senator from New York told an audience last week that passing ObamaCare was a mistake. To quote the Senator:

But unfortunately, Democrats blew the opportunity the American people gave them.

We took their mandate and put all of our focus on the wrong problem—health-care reform.

. . . it wasn't the change we were hired to make.

I could not agree more, but it is quite an admission from the third-ranking Democrat in the Senate.

Back in 2009, Republicans tried to tell Democrats we should focus on the

economy and that any health care reform should be targeted at helping those struggling to afford health care rather than upsetting our entire system, but Democrats refused to listen. Now it appears at least some of them are wishing they had.

The President tried to sell the health care law as a benefit for the middle class. At a 2010 tele-town hall, he told his listeners that "once this reform is fully in effect, middle-class families are going to pay less for their health care."

Unfortunately, as far too many Americans have found, the President's health care law has actually forced them to pay more. I have lost count of the number of letters I have gotten from constituents in South Dakota telling me how much their health insurance has gone up since the so-called Affordable Care Act passed.

One constituent emailed me in November to tell me:

Please do something about the Affordable Care Act. Health insurance is no longer affordable. In March our family health insurance policy went up \$150.00/month. Now [we've] received notice [of] another \$112.00 increase effective January 1, 2015, for a total monthly premium of \$857.00. This is more than our mortgage and we cannot afford it!!

Let me just repeat part of that last line. "This is more than our mortgage." How are middle-class families supposed to afford what amounts to a second mortgage payment each month? The answer of course is they can't.

The President can talk all he wants about the supposed benefits of his health care law, but the fact is ObamaCare has made life worse for this South Dakota family and it has made things worse for millions of families across the United States.

Since ObamaCare was signed into law, family health insurance premiums have risen by about \$3,000. That is a strain on any family budget just by itself, but it is even worse when we realize that the average family's income has dropped by nearly \$3,000 over the course of the Obama Presidency.

On top of this, ObamaCare has forced millions of Americans off health insurance plans they had and they liked. Frequently, they have been forced to pay more for their new plans while getting less.

Thanks to ObamaCare, Americans have lost access to doctors they liked and trusted, they have lost access to convenient hospitals and they have lost access to medications and that is just the damage ObamaCare is doing to Americans' health care. That is not to mention the damage it is doing to the economy at large.

As the Senator from New York made clear in his comments, he thinks the Democratic Party erred in passing ObamaCare because what Americans wanted was not health care legislation but jobs legislation, and he is right. But Democrats went ahead with ObamaCare anyway, and not only has it not helped the economy, as the

President said it would, it is actually hurting the economy.

Take one small part of ObamaCare, the tax on lifesaving medical devices such as pacemakers and insulin pumps. This tax has already been responsible for putting thousands of Americans out of work, and it is on track to eliminate thousands more jobs if it isn't repealed.

Then there is the ObamaCare 30-hour workweek rule, which is eliminating hours and reducing wages for thousands of American workers, and the numerous ObamaCare regulations that are making it difficult for small businesses to hire new workers.

As Democrats are now realizing, ObamaCare was a big mistake. What Democrats should have done, as the senior Senator from New York admits, was focus on creating jobs and opportunities for middle-class families.

The recent Gallup poll listing the overall health of the economy as Americans' top economic concern was just the latest poll in which Americans have listed jobs and the economy among their main worries. Yet Democrats have spent years ignoring the need for jobs and focusing on their own political priorities.

As the senior Senator from New York said:

When Democrats focused on health care, the average middle class person thought, "the Democrats aren't paying enough attention to me."

That average middle-class person is right.

In a few short weeks Republicans will take over the Senate, and we will be running things very differently.

Our first priority will be passing legislation to create jobs and opportunities for American workers. A significant part of that will be working to undo the damage ObamaCare has done to the economy. We will work to repeal the medical device tax and restore the 40-hour workweek. I hope Democrats will join us. I have a feeling many of them will.

As we have seen, opposition to these damaging ObamaCare provisions is not limited to Republicans. Democrats have joined us before to attempt to address these issues, and I look forward to working with these same Democrats and others in the new Congress.

As for the President, I hope he will finally admit his law is hurting Americans and join us in undoing the damage. Unfortunately, his actions so far have not demonstrated much openness to cooperation or any sign that he understands the American people are calling for a new era in Washington.

Democrats have spent the past several years focusing on the priorities of the far leftwing of their party instead of the American people's priorities—the economy and jobs. That is what the American people have been saying over and over they want their elected leaders to be focused on.

I hope the new Congress will mark the start of a new era in which Democrats join Republicans to help create

jobs and opportunities for Americans and remove obstacles to success. The American people have waited a long time for relief. It is time for Congress to give it to them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

ECONOMIC AGENDA FOR AMERICA

Mr. SANDERS. Madam President, it seems to me the American people at this particular moment in our history must make a very fundamental decision, and that decision is do we continue the status quo—which includes a 40-year decline of our middle class and a huge and growing gap between the very rich and everyone else—or do we fight for a bold and meaningful economic agenda that creates jobs, raises wages, protects our environment, and provides health care for every American?

The question of our time is whether we are prepared to take on the enormous economic and political power of the billionaire class or do we continue to slide into economic and political oligarchy?

That is the question which the American people must answer. I hope and expect they are prepared to answer with a resounding yes and a desire to move this country in a very different direction.

The long-term deterioration of the middle class, accelerated by the Wall Street crash of 2008, has not been a pretty picture. Today we have more wealth and income inequality than any other major country on Earth, with the top 1 percent owning more wealth than the bottom 90 percent, with one family, the Walton family of Walmart, owning more wealth itself than the bottom 40 percent.

Today in the United States we have the highest rate of childhood poverty of any major country on Earth, and we are the only major country on this planet that does not guarantee health care to all people as a right.

The United States once led the world in terms of the percentage of our people who graduated college, and that in a global economy is an enormously important issue. We can't create jobs unless we have a well-educated workforce. We were once in first place in terms of percentage of our people who graduated college. Today we are in 12th place.

I think, as most Americans understand, we once were the envy of the world in terms of the quality of our infrastructure—our roads, bridges, waste water plants, water system, rail—but today, as all Americans know, our physical infrastructure is literally collapsing before our eyes.

Real unemployment today is not 5.8 percent. That is official unemployment. When we include those people who have given up looking for work and those people who are working part time when they want to work full time, real unemployment is 11.5 percent, youth unemployment is 18.6 percent,

and African-American youth unemployment is over 30 percent.

Today millions of Americans are working longer hours for lower wages. When we try to understand why the American people are angry, it is important to understand that, in inflation adjusted for dollars, the median male worker—that male worker right in the middle of the economy—earned \$783 less last year than he made 41 years ago, despite all of the increases in productivity. The median woman worker made \$1,300 less last year than she earned in 2007. Since 1999, the median middle-class family has seen its income go down by almost \$5,000 after adjusting for inflation, now earning less than it did 25 years ago.

Why are the American people angry? That is why: a huge increase in productivity, all of the global economy, and yet the median family income in America is \$5,000 less than it was in 1999.

It seems clear to me that the American people must demand that Congress and the White House start protecting the interests of working families and not just wealthy campaign contributors. We need Federal legislation to put millions of our unemployed workers back to work, to raise wages, and make certain that all Americans have the health care and education they need for healthy and productive lives.

In other words, we must have a vision for the future, which talks about what this Nation can become in terms of jobs, in terms of income, in terms of education, and in terms of health care.

Let me very briefly describe some of the major initiatives that I intend to fight for in the new Congress. There are 12 major initiatives which, if enacted, will transform the middle class of this country.

No. 1, we need a major investment to rebuild our crumbling infrastructure—our roads, bridges, water systems, waste water plants, airports, railroads, schools, et cetera.

It has been estimated that the cost of the Bush-Cheney war in Iraq, a war we should never have gotten into in the first place, will end up costing us some \$3 trillion. If we invested \$1 trillion in rebuilding our crumbling infrastructure, we could create 13 million decent-paying jobs and make this country more efficient and more productive. We need to invest in infrastructure, not in war.

No. 2, the United States must lead the world in reversing climate change and making certain this planet is habitable for our children and grandchildren.

We must transform our energy system away from fossil fuels and into energy efficiency and sustainable energies. When we do that—make our transportation system energy efficient, make our homes more energy efficient, move to wind, solar, geothermal biomass—we can also create a significant number of good-paying jobs.

No. 3, we need to develop new economic models to increase job creation

and productivity. Instead of giving huge tax breaks to corporations which ship our jobs to China and other low-wage countries, we need to provide assistance to workers who want to purchase their own businesses by establishing worker-owned cooperatives.

Study after study shows that when workers have an ownership stake in the businesses in which they work, productivity goes up, absenteeism goes down, and employees are much more satisfied with their jobs.

No. 4, union workers who are able to collectively bargain for higher wages and benefits earn substantially more than nonunion workers.

Today, corporate opposition to union organizing makes it extremely difficult for workers to join a union. We need legislation which makes it clear that when a majority of workers sign cards in support of a union, they can form that union.

No. 5, the current Federal minimum wage of \$7.25 an hour is a starvation wage. We need to raise the minimum wage to a living wage. No one in this country who works 40 hours a week should live in poverty.

No. 6, women workers today earn 78 percent of what their male counterparts earn. We need pay equity in this country—equal pay for equal work.

No. 7, since 2001 we have lost more than 60,000 factories in this country and more than 4.9 million decent-paying manufacturing jobs. We once led the world in terms of our manufacturing capability. Yet in State after State, we have seen significant losses in manufacturing jobs. When people walk into a store, it is harder and harder for them to purchase products made in the United States of America.

The time is now for us to end our disastrous trade policies—NAFTA, CAFTA, Permanent Normal Trade Relations with China—because these policies simply enable corporate America to shut down plants in this country and move to China and other low-wage countries.

We need to end the race to the bottom and to develop trade policies which protect the interests of American workers and not just multinational corporations. American companies should start investing in this country and not simply in China and other low-wage countries.

No. 8, in today's highly competitive global economy, millions of Americans are unable to afford the higher education they need in order to get good-paying jobs. About 40 or 50 years ago we had a situation in this country where some of the great public universities of our Nation—the University of California, City University of New York, and State colleges all over America were virtually tuition free, and anybody could go to those schools regardless of the income of their families.

Today, for many, many families and young people the cost of higher education is simply unaffordable. Either

students choose not to go to college because they can't afford it or they come out of school deeply in debt—a debt fastened on their shoulders for decades.

Quality education in America—from child care to higher education—must be affordable for all. Without a high-quality and affordable educational system, we will be unable to compete globally in the international economy and our standard of living will continue to decline. We have to invest in education. The idea that we are laying off teachers is completely absurd.

No. 9, the function of banking—the banking system—is to facilitate the flow of capital into a productive and job-creating economy. That is what banking is supposed to be. People save, people put money in banks, and that money goes out into the economy so that people can buy homes and create businesses.

Financial institutions cannot be an island unto themselves, standing as huge profit centers outside of the real productive economy. In other words, banking must be a means to an end by improving society, creating jobs, providing people with decent housing, and not simply a means by which financial institutions make more and more profit.

Today, six huge Wall Street financial institutions have assets equivalent to 61 percent of our gross domestic product. There is close to \$10 trillion in 6 financial institutions. These institutions underwrite more than one-half of the mortgages in this country and more than two-thirds of the credit cards. The greed, recklessness, and illegal behavior of major Wall Street firms plunged this country into the worst financial crisis since the 1930s, and every day when we open up our newspapers, we see another major banking scandal.

The truth of the matter is that these financial institutions on Wall Street are too powerful to be reformed. They have too much money, too much wealth, too many lobbyists, and make too much in campaign contributions. Our goal must be to break them up. They have too much power and too much wealth. They must be broken up so that our financial institutions begin to serve the needs of the American people and not simply the CEOs and the stockholders of Wall Street firms.

No. 10, the United States must join the rest of the industrialized world and recognize that health care is a right of all and not a privilege. I think many Americans don't know that we are the only major country on Earth that does not guarantee health care to all people as a right. Yet, within this dysfunctional health care system, we have 40 million people who have no health insurance, more people who are underinsured, millions of people with high premiums and high deductibles, and at the end of all of that, we end up spending almost twice as much per capita on health care as do the people of any other major country on Earth.

The time is now for us to declare that health care is a right of all people

and not a privilege. We need to pass a Medicare-for-all, single-payer system.

No. 11, millions of senior citizens in this country live in poverty, and we have the highest rate of childhood poverty of any major country on Earth.

I hear a lot of discussion on the part of my Republican colleagues—and some Democrats—that we should be cutting Social Security. Well, I strongly disagree. In my view, we must strengthen and expand Social Security—not cut it. That is terribly important, especially at a time when more and more seniors are slipping into poverty. We have millions of seniors who are trying to survive on \$12,000, \$13,000 and \$14,000 a year. They have to decide every single day whether they should buy the medicine they need, heat their homes adequately or buy the food they need. We should not be cutting these programs; we should be expanding these programs.

No. 12—and the last point I will make as part of an agenda that rebuilds America and rebuilds our middle class—at a time of massive wealth and income inequality, we need a progressive tax system in this country which is based on ability to pay. It is not acceptable that every single year we have major, profitable corporations which pay nothing in Federal income taxes. It is not acceptable that we have corporate CEOs in this country who make millions of dollars every year and enjoy an effective tax rate which is lower than that of their secretaries. That is grotesquely unfair, and it must be changed.

Further, we have to address the disgrace that every single year our country loses over \$100 billion in revenue because corporations and the wealthy stash their money in offshore tax havens all over the world. The time is long overdue for real tax reform which says to the wealthy and large, profitable corporations that they have to begin paying their fair share of taxes.

I will conclude by getting back to the point I made in the beginning of my remarks, and that is that we are in a pivotal moment in American history. The very, very rich are becoming richer, the middle class is disappearing, and today we have more people living in poverty than at almost any other time in American history. With the wealth of the billionaire class, they are exercising their power politically because Citizens United—a disastrous Supreme Court decision—has given them the power to buy elections and control, to a significant degree, our political process.

We, as a nation, have to ultimately make a decision about whether we are going to continue the process where the middle class continues to decline and the very, very richest people become richer or whether we are prepared—and this is not easy stuff—to stand together to take on the billionaire class and their greed and to say: Enough is enough. This country does not just belong to the top 1 percent or

the top one-tenth of 1 percent. It belongs to all of us.

I hope very much that the American people make the right choice, because if they do, we can bring about a transformation of this country so the government begins to work for all of the people and not just the billionaires who are on top.

With that, I yield the floor.

#### RECESS

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

Thereupon, the Senate, at 12:42 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

#### NOMINATION OF ROBERT S. ADLER TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION—Continued

The PRESIDING OFFICER. The Senator from Vermont.

#### IMMIGRATION

Mr. LEAHY. Madam President, I will take just about a minute. I know we are waiting for others to come. I have heard some of the discussion on the floor and in the hallways about Thanksgiving. On Thursday, when I sat down with my family over Thanksgiving dinner, I thought about our history and how my grandparents came to Vermont from Italy, my great-grandparents from Ireland, and my wife's family from the Province of Quebec in Canada. We, similar to most Americans, are a family of immigrants. It is that rich melting-pot history that makes our country so special, so strong. Thanksgiving is a good time to celebrate and honor that strength.

Far too many immigrant families today, however, live in fear—fear of being torn apart, of losing a mother or father or sister or brother, to deportation. Bringing peace to those families is one of the things that most motivated me last year during the long debate on immigration reform. Both Democrats and Republicans in this Chamber praised the fair and thorough process that we had in the Judiciary Committee on the immigration bill.

We had 6 hearings featuring 42 witnesses. We debated bipartisan legislation a total of 37 hours over a 3-week period. We considered 212 amendments, and we adopted 136 of them—all but 3 on a bipartisan basis. The full Senate then debated the bill and approved it by an overwhelming bipartisan majority.

But that effort was not good enough for Republican leaders in the House. They would not even allow a vote on the bill. Today, they are batting zero when it comes to addressing the broken immigration system.

They now complain that the President is acting alone, but he is not. The American people support immigration