

Senate with great distinction. He has helped protect the men and women in uniform and their families. He has led the men and women in his charge with patience and loyalty and modesty at times of great challenge for the Senate and the Nation.

I am and I always will be deeply grateful to David Lyles for his wise counsel, for his loyalty, for his friendship, and above all for his integrity. I wish David and his wife Annie a long and happy retirement full of visits with laughing grandchildren, untroubled waters to paddle, and smooth roads to ride.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBLISS. I ask unanimous consent to be allowed to speak as in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO DAVE SCHIAPPA

Mr. CHAMBLISS. Mr. President, I rise this morning to speak about my good friend and a great friend of this great institution who will be leaving us this week, Dave Schiappa.

I remember after I was elected in 2002 there was a transition in the leadership on the Republican side from Trent Lott to Senator Bill Frist. Trent told me one day that the first thing he told Bill Frist was make sure that Dave Schiappa is going to be your floor leader, and that is exactly what Bill did.

I was new to the Senate, did not know my way around at all, much less know the rules. I simply don't know how I would have functioned over the last 10 years without Dave Schiappa being here. He has been that valuable to all of us as Members of the Senate. He is available, frankly, to both sides of the aisle. I have heard a number of my Democratic friends over the last 24 hours, since we have been aware of Dave's departure, who have said: Gee, I don't know what I am going to do without Dave Schiappa being here.

Our floor leaders are all so vitally important. We do reach out to those Members on the other side who inform us from time to time of what is going on. They are always straight with us. This institution couldn't operate without them.

Dave has certainly been our leader. He is very smart, very knowledgeable, and he is very hard-working. All of these folks work such long hours. They are here long after we are here, and they are here well before we get here the next morning. We owe a deep debt of gratitude to all of them, and particularly when someone such as Dave

Schiappa, who has been here for 28 years, makes a move on to another life. It is imperative that we say: Dave, thanks for your great work. Thanks for your inspiration to all of us.

Dave probably knows this institution better than any Member on the Republican side, certainly. The one thing I will always remember about is Dave, No. 1, keeps his word. If you tell him you have an issue with the bill, an issue with a nominee, or you have an amendment you wish to call up, Dave takes care of you.

He has been so valuable to all Members of the Senate during his tenure. We are truly going to miss him. I know his next life will hold great things for him. He will be very successful there, and we certainly wish him the best.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. RUBIO. We are in morning business?

The ACTING PRESIDENT pro tempore. We are.

OBAMACARE

Mr. RUBIO. I wish to speak briefly about ObamaCare once again. This is an issue that is now coming to the forefront over the next few weeks.

As we get ready to start to implement portions of it across the country, we are starting to see the implications of it.

There is so much coverage given to this as a partisan fight between Republicans and Democrats or liberals and conservatives, but I actually think this issue goes much farther than that because it is impacting all Americans.

I understand the President was here yesterday and individuals from the White House as well. According to the press reports, they were here to reassure nervous Democrats about the implementation of ObamaCare and what it could mean.

I understand why people are nervous about this bill. They have the right to be. For example, the exchanges, health care exchanges which, if you can't get insurance, you are supposed to be able to go to them and buy health insurance, are not going as planned. Only yesterday there was a news report that in Georgia they have asked for an emergency extension because they won't be up and running by October 1.

There are more news reports of more people being pushed from full-time work to part-time work. The reason why is because ObamaCare says if a company has more than 50 employees at full-time status, there are certain rules to follow that are going to cost money. We are starting to see evidence that people are being moved from full time to part time. Some major companies are announcing that they are moving more people to part time. There are reports of impending rate increases.

In my home State of Florida 2 days ago, the insurance commissioner announced that the individual market rates, if you are buying as an individual, are going to go up 30 or 40 percent.

We know there are many people in the middle class, hard-working Americans who are happy with the health insurance coverage they have now. They are probably going to lose that coverage. They are going to have to go to an exchange or another company their company is now offering. This doesn't mean you lose only the insurance with which you are happy, it means you lose the doctor, potentially, because you can only go to a doctor that is in the network on your insurance plan. If your new insurance doesn't have that doctor, you can't keep going to that doctor. There are a lot of reasons to be nervous.

Add to this a lot of the original supporters of this; for example, the labor unions. The Teamsters came out 2 weeks ago saying they want this suspended or repealed because it is breaking the promises it made in terms of the 40-hour workweek and the whole argument I made about full time to part time.

Here is the irony. The labor union that represents the IRS workers is asking to be exempted from ObamaCare. This is ironic, because they are the very workers who are in charge of enforcing the law. The people who are going to be in charge of enforcing ObamaCare have asked to be exempted from ObamaCare. There are a lot of reasons to be nervous about it if you are a supporter.

One more reason is the impact it is going to have on our insurers. We haven't heard a lot of talk about this yet, but I will focus on one group of seniors in particular, and that is seniors who are on something called Medicare Advantage. Medicare Advantage is the Medicare Program where basically you contract with a private company to administer your benefits under Medicare. How these companies compete for your business is they add all sorts of value-added services.

One example is transportation. My mom is on Medicare Advantage. One of the reasons they get her business is that in addition to good doctors, they actually will pick her up from home, because she can't and doesn't drive. They take her to her doctors' appointments. These are the kinds of benefits Medicare Advantage offers.

The problem is ObamaCare cuts about \$156 billion out of Medicare Advantage—not to save Medicare; it throws it into the overall budget on ObamaCare.

Who uses Medicare Advantage? This is an interesting statistic: Forty percent of African Americans on Medicaid use Medicare Advantage, 53 percent of Hispanic beneficiaries who are on Medicare use Medicare Advantage, and 38 percent of people on Medicare Advantage make less than \$30,000 a year.

What is the impact of taking \$156 billion out of Medicare Advantage? It is

about \$11 billion this year alone being taken out of the Medicare Advantage Program.

This means—and the President would say we are going to pay less money to these insurance companies. Fine. What is the impact of that? Let me describe to you the impact of what it is going to be.

First, you are going to see reductions in benefits, meaning a lot of these companies are going to have to save that money somewhere. Where they are going to save it is by reducing the benefits they offer you on Medicare Advantage.

For example, maybe there won't be anymore transportation in my mom's Medicare Advantage plan. We don't know.

There will be increases in copays, the amount of money seniors are going to have to pay every time they go to the doctor or hospital. They are going to have to tighten physician networks, which means the number of doctors available is going to shrink. If you have a doctor now who has been seeing you, and he or she gets kicked out of the network because they are tightening the network, you may not be able to keep going to the same doctor. That is the disruption it has.

One study found that by 2017, seniors on Medicare Advantage could lose on an average about \$1,841 a year. This is the impact.

I will say why this is pernicious, why this hurts. Medicare Advantage has some things about it that need to be fixed, but it is a good program. It has good outcomes. The fact is these companies want you to go to your doctors' appointments. They want you to be getting your flu shots and your vaccine against pneumonia and other things. Why? Because they want you to stay healthy. They need you to stay healthy in order for the plan to work. We see it in the results.

Medicare Advantage patients have 39 percent fewer hospital readmissions. When people leave the hospital, there is a 39-percent reduction in people who go back because something went wrong. There are 24 percent fewer emergency room visits and 20 percent fewer hospital days.

Medicare Advantage is the program that works. I say this firsthand because I see it in my mom's life, and I see it in the lives of thousands of seniors in Florida who are on Medicare Advantage.

You may ask yourself: Well, if this is so bad why haven't we heard any of this before? The reason is the insurance companies, because of a gag order, are prohibited from talking about any of this until you start getting your benefits letter, and they are coming. If you are a senior on Medicare Advantage, the chances are that soon you will open your mail to the bad news that the Medicare Advantage you have and are happy with has been changed in a negative way for you because of ObamaCare. They don't know that yet, because the companies have not been allowed to tell them yet, but they will

have to tell them soon. When they do, this will add one more concern that people should rightfully have about ObamaCare and the impact it is going to have on our people, particularly on seniors. This is why, my colleagues, I have become so passionate about this issue, one more reason why it is so important that we stop ObamaCare.

One may say what can we do to stop it? It is already the law. It is already in place. A lot of people have told me this. The answer is there is something we can do and it comes as soon as September. In September, in order for this government to continue to function, we have to pass a short-term budget. I wish it were a long-term budget that was balanced, but it looks as though it is going to be a short-term budget.

We should pass the budget. We have to. We can't shut down the government. I am not for shutting down the government. When we do this short-term budget, let's fund the government. Let's make sure Social Security checks go out. Let's make sure we are funding defense to keep our Nation safe. Let's make sure we fund the government, but let's not keep funding ObamaCare. Let's not keep pouring money into a program that even the unions are now against. Let's not keep pouring money into a program that not even the IRS workers, who are going to enforce this, want for themselves. Let's not keep funding this program that is going to hurt seniors on Medicare Advantage. Let's not keep funding it.

I will say what the blowback is: Oh, you are threatening to shut down the government. No, I am not. I don't want to shut down the government. In fact, the only people who are talking about shutting down the government are the people who go around saying: We will not support a short-term budget unless it funds ObamaCare. Those are the people who are threatening to shut down the government. Their position, basically, is that ObamaCare is so important we can't possibly fund government without funding it.

So if the government is shut down—and I hope that doesn't happen—because of ObamaCare, that is an unreasonable position, especially in light of all the problems we know this program has. And this idea that unless we fund ObamaCare we must shut down the government is a false choice. That is not true.

Let me just say every single Republican opposes ObamaCare. And I must share with you that there are a growing number of Democrats who are at least nervous about ObamaCare and would love for it to go away in some way, shape, or form. In fact, one of them is the President. The President has actually delayed a major portion of ObamaCare because he knows it is going to be a disaster.

I would just suggest to those who oppose ObamaCare to ask themselves this question: How can I possibly go back to the people who sent me here—to the people who are going to be hurt by this, to the people being moved from full-time to part-time employment, to

the businesses that can't grow, to the individuals who are going to lose the coverage they are happy with and the doctor they have gotten to know, to the seniors on Medicare Advantage who are going to see their benefits reduced and their out-of-pocket costs go up—and say to them I did everything I could to prevent these things from happening? How can I possibly say that to them if I vote for a budget that pays for this?

This September gives us the last best chance to slow this down or to stop it. Once this law starts kicking in and starts hurting our economy, we will start crossing some points of no return.

To my colleagues on the Republican side, I would just say: Look, if we are not willing to draw a line in the sand on this issue, what issue are we willing to draw a line in the sand on? If we are not willing to fight on this issue, what issue are we willing to do it on?

Right now I can think of nothing that is hurting our economy and nothing that is hurting job creation more than the uncertainty and the fear this law is imposing on our small businesses, on our middle class, on our working class, and on our seniors. I hope we will not let this last best chance go by. I hope we will take this opportunity to stop this law from hurting Americans, especially the millions of seniors who rely on Medicare Advantage for their health care.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF RAYMOND T. CHEN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant bill clerk read the nomination of Raymond T. Chen, of Maryland, to be United States Circuit Judge for the Federal Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate equally divided in the usual form.

The Senator from Vermont

Mr. LEAHY. Mr. President, 3 months ago, I noted in my statement on April 18 that it had taken the Senate almost 1 year longer to confirm 150 of President Obama's district court nominees than it took the Senate to confirm the same number of President Bush's district court nominees. Unfortunately,