

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,

we have not picked up the pace, and we remain almost 1 year behind the record we set from 2001 to 2005. Today, the Senate confirms the 200th of President Obama's circuit and district nominees. Thanks to Senate Republicans' concerted effort to filibuster, obstruct and delay his moderate judicial nominees, it took almost 1 year longer to reach this milestone than it did when his Republican predecessor was serving as President—over 10 months, in fact. I have repeatedly asked Senate Republicans to abandon their destructive tactics. Their continued unwillingness to do so shows that Senate Republicans are still focused on obstructing this President rather than helping meet the needs of the American people and our judiciary.

Earlier this month, the senior Senator from Tennessee observed that at the time there were only three circuit and district nominees on the Executive Calendar. He said, correctly, that we could clear those three nominees in just one afternoon. Weeks later, we are now being permitted to vote on just one of those nominees. As Senator ALEXANDER said, we could very easily be voting on several others as well. There are now 12 circuit and district nominees pending before the Senate. The only reason we are not voting on all 12 is the refusal of Senate Republicans to give consent. This refusal means that by the time the Senate returns in September, our district courts will once again be facing a period of what the nonpartisan Congressional Research Service calls "historically high" vacancy levels, which they last experienced 2 years ago. So the Republicans' effort to obstruct and delay the confirmations of President Obama's nominees means that we have essentially not been permitted to make any net progress in filling vacancies. We have barely kept up with attrition.

Over the past month, some Senate Republicans have been claiming that "at this same point in their presidenc[ies]" President Obama has had more circuit and district nominees confirmed than President Bush did. Of course, these Senators fail to mention that they are referring only to the fifth year of those presidencies, and ignoring both presidents' first terms. Such comparisons are misleading—the reason President Bush had so few confirmations in his fifth year is that we had made such good progress already in his first term—but I appreciate the Ranking Member of the Judiciary Committee for at least being honest when he makes this comparison by saying that it is between fifth years, and not entire Presidencies.

The assertion by some Senate Republicans that "there is no difference in how this President's nominees are being treated versus how President Bush's nominees were treated" is simply not supported by the facts. Compared to the same point in the Bush administration, there have been more nominees filibustered, fewer confirma-

tions, and longer wait times for nominees, even though President Obama has nominated more people and there are more vacancies. Anyone can point to this example or that example, but when one looks at the whole picture, it is clear that President Obama's nominees have faced unprecedented delays on the Senate floor and that his nominees have been less likely to be confirmed than President Bush's at the same point.

But if Senators wish to claim that there is no obstruction of the Senate's consideration of judicial nominees, or that we are matching or even exceeding the pace of confirmations from the Bush administration, let us make it a reality. According to the nonpartisan Congressional Research Service, it would require 27 additional circuit and district confirmations this year to reach the same number of confirmations as President Bush had achieved by the end of his fifth year in office. That means we must pick up the pace, since we have had only 26 circuit and district confirmations so far this year, and just two confirmations in the past month.

Fortunately, the Senate had already received more than enough judicial nominees to make this happen. There are eight circuit and district nominees pending on the calendar today, and another four were reported this morning. One of the nominees reported today is Patricia Millett, one of three well-qualified nominees for the vacancies on the D.C. Circuit. I hope Senate Republicans will end their misguided attempt to strip the D.C. Circuit of three seats and that we will be allowed to consider her nomination on the merits of the nominee. Five more nominees had a hearing last week, as the Judiciary Committee continues to do its job. If we do confirm 27 more nominees this year, we might even bring the number of vacancies below 70 for the first time in more than 4 years.

However, even if we do bring the number of vacancies down to 70, that number is still far too high. These vacancies impact millions of people all across America who depend on our Federal courts for justice. In addition to the 87 current vacancies, the Judicial Conference has identified the need for 91 new judgeships, so that the people who live in the busiest districts can nonetheless have access to speedy justice. Earlier this week, Senator COONS and I introduced a bill to create those judgeships, and I hope we can pass this long-overdue legislation into law. The Nation's growing demands on our courts also shows how important it is that we reverse the senseless cuts to our legal system from sequestration. I continue to hear from judges and other legal professionals about the serious problems sequestration either has caused, or will cause, if we do not fix it. Last week the Judiciary Committee's Subcommittee on Bankruptcy and the Courts held a hearing on the impact of sequestration and highlighted

how it is devastating our public defender service. This was an important and timely hearing, and I commend Chairman COONS for chairing it.

Today the Senate will vote on the nomination of Raymond Chen, who is nominated for the United States Court of Appeals for the Federal Circuit. Mr. Chen currently serves as Deputy General Counsel for Intellectual Property Law and Solicitor in the Office of the Solicitor at the United States Patent and Trademark Office, a position he has held since 2008. Prior to 2008, he was an Associate Solicitor in the Office of the Solicitor at the USPTO, a Technical Assistant for the Federal Circuit, and an Associate at Knobbe, Martens, Olson & Bear. Before practicing law, Mr. Chen was a scientist at Hecker & Harriman. The ABA Standing Committee on the Federal Judiciary unanimously gave him its highest rating of "well qualified." Mr. Chen was reported by the Senate Judiciary Committee over 3 months ago by voice vote.

We must work to reduce the number of judicial vacancies so that Americans seeking justice are not faced with delays and empty courtrooms. So let us act quickly on consensus nominees. And if Senate Republicans have concerns about a nominee, let us debate that nominee, for however long is necessary, and then have an up-or-down vote. Eleven of the twelve circuit and district nominees currently pending before the Senate were reported by voice vote. There is no reason we cannot consider all 12 today. If Senators are willing to work together to focus on meeting the needs of the Federal judiciary, then I am confident that we will be able to make real progress for the millions of Americans who depend on our courts for justice.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

POWER NOMINATION

Mr. ISAKSON. Mr. President, let me express my thanks to Senator SANDERS for his willingness to yield to me and give me this time.

I am here very briefly to commend Samantha Power to the entire Senate as President Obama's nominee to be the U.N. ambassador representing the United States.

I do so proudly because of the great work she has done against genocide and atrocities around the world, because she has been an outspoken leader in terms of doing what is right, and I think she has the courage to represent our country on the Security Council better than anyone I know.

I got to know Samantha Power by reading her book, "A Problem from Hell: America and the Age of Genocide." It is the story about Rwanda and the genocide where 1 million people died while the rest of the world turned and looked away, and her calling on all people of democracies and freedom around the world to not let that happen again.

When she came to the White House, she created the Commission on Atrocities for President Obama to focus on that and see to it that it didn't happen again. It was through her leadership that she forced President Obama and the administration to engage in Libya and end what would have been a genocide in Libya by Muammar Qadhafi.

She is smart, she is intelligent, she is tough, and she has a Georgia tie of which I am very proud. She graduated from a high school in DeKalb County, GA, in the 1980s called Lakeside High School. She did an internship between her first and second year at Yale University in Atlanta, GA, for a sports broadcaster on a sports station in the city. He was asked a few days after she left to give some description of what kind of person Samantha Power was, and I want to read that quote because it reflects the kind of person we want representing us as an ambassador at the U.N. He said:

Oh, my God, was she bright. Acerbic, lightning-witted, and the depth of the Mariana Trench.

That is a quote from Jeff Hullinger, the first person she worked for in 1988.

Samantha Power is the right person, at the right time, to represent the right country in the U.N. on the Security Council. I commend her to the Senate and hope she receives a unanimous vote.

I yield back the remainder of my time and thank the Senator from Vermont.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

THE MINIMUM WAGE

Mr. SANDERS. Mr. President, I rise today to congratulate hundreds and hundreds of young people throughout the country who are standing up for justice, who are putting a spotlight on one of the major economic crises facing this country.

Today—this week and in recent weeks—we have had young people in New York City, in Chicago, in Washington, DC, in St. Louis, in Kansas City, in Detroit, in Flint, MI, and other areas around this country who are fast-food workers—the people who work at Burger King and McDonald's and Popeye's; the ones who give us the hamburgers and the french fries—saying that workers all over this country cannot make it on \$7.25 an hour, \$7.50 an hour. Often they are unable even to get 40 hours of work and, in most cases, they get no or very limited benefits.

So all over the country these workers, often young people, are walking out of their establishments, their fast-food places, and are educating consumers about the economic injustice taking place in these fast-food establishments. What they are saying is that we need to raise the minimum wage in this country; that American workers cannot exist on \$7.25 an hour, which is the national minimum wage now, or \$8 an hour or \$9 an hour.

My own view is, at the very least, we should be raising the minimum wage to

\$10 an hour. Just do the arithmetic, with somebody making \$7.25 an hour, and if they are lucky enough to be getting 40 hours a week—and many workers are not.

I was in Detroit a couple of months ago talking to fast-food workers, and what they are saying is they get 20 hours a week in one place to make a living and then they have to work at another place. One young man I talked to is working at three separate locations, having to travel, in order to cobble together what, in fact, is by far less than a livable income. So just do the arithmetic. If you make \$7.25 an hour, and if you are lucky enough to be working 40 hours a week, you are making about \$15,000 a year. Then, of course, your Social Security taxes are coming out of that and your Medicare taxes are coming out of that, and maybe some local taxes. You can't survive on \$14,000 or \$15,000 a year.

The point is these fast-food workers are educating the Nation about the fact that hundreds and hundreds of thousands of people are working hard every single day and are falling further and further behind economically. We have to stand with them and we have to raise the minimum wage in this country.

While workers at fast-food establishments and other places such as Walmart are earning the minimum wage, I should mention that the CEOs of these large corporations are, in many cases, making exorbitant compensation packages. The CEO of Burger King, a corporation with over 191,000 mostly low-wage workers gave its CEO Bernardo Hees a 61-percent pay raise last year, boosting his total compensation to \$6.5 million in 2012.

Well, if a millionaire can get a 65-percent pay raise, maybe it is time to get a pay raise for the workers who are making \$7.25 an hour.

Last year, McDonald's, a corporation with over 850,000 mostly low-wage employees, more than tripled the compensation of its CEO Don Thompson. In 2011, Mr. Thompson received a mere, paltry \$4.1 million. But last year, because of his significant raise, the CEO of McDonald's received \$13.8 million.

Well, if Mr. Thompson can make \$13.8 million as the head of McDonald's, surely the workers at McDonald's can make at least \$10 an hour, not \$7.25 an hour, not \$8 an hour.

David Novak, the CEO of Yum! Brands—the owners of Taco Bell, Pizza Hut, Kentucky Fried Chicken, and Long John Silvers—was paid \$11.3 million last year and received over \$44 million in stock options.

Well, if this company has enough money to give this gentleman \$44 million in stock options, maybe we can end starvation wages at Yum! foods.

In terms of the minimum wage, since 1968, the real value of the Federal minimum wage has fallen by close to 30 percent. The purchasing power of the minimum wage has gone down by some 30 percent since 1968. If the minimum

wage had kept up with inflation since 1968, it would be worth approximately \$10.56 per hour today.

The issue our young people working at these fast-food places are highlighting goes beyond the fast-food industry. The reality is that many of the new jobs being created in America today are low-wage jobs.

I think we all recognize, even some of my Republican colleagues understand, we have made significant economic gains since the collapse of the economy at the end of President Bush's tenure in 2008 when we were losing 700,000 jobs a month—an unsustainable reality, 700,000 jobs a month. Now we are gaining jobs, and that is a good thing, but not enough jobs. Unemployment remains much too high. Real unemployment today is close to 14 percent. But in the midst of understanding the job creation process in this country, we need to know that nearly two-thirds of the jobs gained since 2009 are low-wage jobs that pay less than \$13.80 an hour.

So the good news is we are now creating some jobs—not enough jobs; unemployment remains much too high—but we cannot lose track of the fact that most of the new jobs being created are not paying working people a living wage. While most of the new jobs being created are low-wage jobs, we should remember that nearly two-thirds of the jobs lost during the Wall Street recession were middle-class jobs that paid up to \$21 an hour. So the economic trend is not good. The Wall Street crash resulted in mass unemployment, and though we are gaining new jobs, many of the jobs we are gaining are low-wage jobs. Yet the jobs we have lost are higher wage jobs.

Also, while we discuss the state of the economy, let us never ever forget that middle-class families have seen their incomes go down by nearly \$5,000 since 1999, after adjusting for inflation.

Opponents, and there are many—the entire fast-food industry and all the big-money interests, the guys who make millions and millions of dollars a year, the people who have unbelievable pensions, who have all kinds of benefits, the CEOs—are working very hard to tell us in Congress not to raise the minimum wage, which is \$7.25. Among many other arguments they say: Well, if you raise the minimum wage, it is going to be a job killer. It will kill jobs.

Let me say this on a personal basis. I represent the State of Vermont. The State of Vermont has the third highest minimum wage in the country; it is \$8.60 an hour. Meanwhile, with an \$8.60-an-hour minimum wage, I am happy to say that the State of Vermont has the fourth lowest unemployment rate in the United States at 4.4 percent. And to be very honest, I have not bumped into many employers who tell me: I would be hiring more people if we lowered the minimum wage in Vermont. It does not happen. I think that is a bogus argument.