

ObamaCare and its more than \$700 billion in Medicare cuts—cuts imposed solely to fund ObamaCare—and replacing that with bipartisan reforms that can actually help struggling middle-class Americans.

I urge the Democrats to follow the lead of one prominent Senate Democrat who said just the other day he would vote tomorrow—vote tomorrow—to repeal ObamaCare. If he is serious about what he said, that means he is finally listening to the American people instead of the party bosses in Washington. If more of his colleagues on the other side of the aisle would only do the same, we could finally move forward with real patient-centered health reform; we could finally do away with the practice of raiding Medicare to fund ObamaCare; we could finally be done with the hurt this law is imposing on men and women all across our country—college graduates, moms, dads, small business women, constituents who struggle every day just to get by, and, of course, millions, literally millions of seniors. Republicans are on their side. We agree with them that ObamaCare is a law that just does not work, and we agree with them that now is not the time to impose higher costs and reduce choices for senior citizens, as the partisan ObamaCare law proposes.

I know the authors of this law may have had good intentions, but now is the time for them to admit past mistakes and to work with Republicans in a bipartisan fashion to remedy these errors before even more people get hurt by ObamaCare.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11:05 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

The PRESIDING OFFICER. The Senator from Arkansas.

MOODY NOMINATION

Mr. PRYOR. Mr. President, I wish to speak about a friend of mine and a Presidential nominee to be on the Federal bench in Arkansas. I will take 3 to 5 minutes. I know there are others who want to speak.

Today I rise to support the nomination of Judge James Moody—whom in Arkansas we call Jay Moody—to be a Federal judge in the Eastern District of Arkansas. Jay has been a phenomenal

judge and lawyer for a long time in Arkansas.

One of the things this nomination illustrates to me and I think also brings home to people around the country is that this body should not play games with the third branch of government. We have our own issues. This body can be dysfunctional and highly partisan. Let's not export that to the judiciary. We have a fine man who has offered his services to be a Federal judge.

If you look at what I like to look at, is he well qualified? Yes, absolutely. Everyone agrees on that. Can he be fair and impartial? That is what you want in a judge. The answer is yes, he can be very fair and impartial. He has demonstrated that as a member of the Arkansas bench for a long time now.

Also, especially in a district court position, does he have the right judicial temperament? I think every person who has ever dealt with Judge Jay Moody will say that he not only has the right temperament, but he meets and exceeds all of these criteria across the board. He is exactly the kind of judge we should all want.

In fact, there is no reason why Judge Moody was not confirmed back in December. He should have been. But for the wrangling here in the Senate, but for the problems we have had in the Senate in the last several months, he would be a Federal judge today, and he should be a Federal judge today. In fact, 2 weeks ago I came to the floor and asked for consent that we go ahead and just confirm him by unanimous consent, but that was not granted.

Since 2003 Jay Moody has served as a circuit judge—that is a trial court judge in Arkansas—for the Sixth Judicial District, which is the Little Rock area. He previously worked at the Wright, Lindsey & Jennings law firm, which is one of the most prestigious firms in the State. It is a very well-known law firm. It is highly professional, has a great reputation. He became a partner there in 1994, just a few years after he joined the firm. He also spent time as an adjunct professor at the University of Arkansas Bowen School of Law, where he earned his J.D. He is also a member of a number of different lawyer groups and associations—at least he was before he entered the bench.

I could spend 20 minutes talking about his qualifications, talking about what a fine nominee and fine selection Jay Moody is to be a district court judge in the Eastern District of Arkansas, but, honestly, this turns out to be a no-brainer, so I am not going to belabor his qualifications and why we should do this other than to say that I know I am tired—and I think people all over the country are also tired—of the gridlock here in Washington. They look at a State such as Arkansas where we have eight Federal district court judges and we have two vacancies. These vacancies should have been filled back in December. There is no reason why they should not. But they have

been working under 75 percent horsepower now for months. We could have fixed that back in December, but because of the wrangling here in the Senate and in Washington, that was not done.

Today is the day we can rectify that. Today is the day we can confirm Judge Moody to be on the Federal bench.

I think we can all be very proud of this nomination. Again, he is exactly what we would all want in a Federal judge. That is confirmed by talking to lawyers in Arkansas. It does not matter if you are a criminal or civil lawyer; it does not matter if you are a plaintiff's lawyer or a defense lawyer; everybody agrees he will be a great Federal judge.

One of his old law partners, the managing partner of Wright, Lindsey & Jennings, Ed Lowther, told me one time—I said: How is Jay Moody on the bench? Of course, we all knew him as a lawyer. How is he on the bench? He paid one of the best compliments a lawyer can pay to a judge. He said, "He gets his work done." Can we really ask for any more than that? He gets his work done. He takes care of it.

In fact, it is almost uncanny when you look at the very difficult, high-profile, complicated cases that come to the trial court level in Pulaski County Circuit Court. Again, that is our trial court there in Little Rock. Almost always, he is the one who ends up with the case. Not only do the lawyers love him and appreciate him, but also his colleagues obviously have a lot of respect, and they often hand off the more difficult cases to Judge Moody.

In fact, I heard a conversation here on the floor just 2 or 3 weeks ago. My colleague, Senator BOOZMAN of Arkansas, is supportive of this nominee and has been helping push this nominee through the process. He went to the Judiciary Committee—by the way, this nomination has come through the Judiciary Committee not once but twice. Senator BOOZMAN helped push him through the Judiciary Committee, helped get him to the floor, and has talked to his Republican colleagues. I overheard a conversation the other day where Senator BOOZMAN was talking to Leader MCCONNELL. JOHN BOOZMAN turned to Senator MCCONNELL and said, "Mitch, this guy is great." He said, "You could not have picked someone better had you picked him yourself." That is really Jay Moody in a nutshell.

With that, I would like to ask my colleagues to vote for this nomination today. I believe we will vote in about 30 to 45 minutes. I am not sure exactly what time we start. But I ask my colleagues to support this nomination.

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

The PRESIDING OFFICER (Mr. MURPHY.). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HEALTH CARE

Mr. JOHANNIS. Mr. President, last Friday we heard that the health care law is scheduled to deliver yet another blow to Americans. The administration released a proposal that would significantly cut Medicare Advantage.

Medicare Advantage is a very well-received program. It offers private plan options for seniors on Medicare. Nearly 30 percent of Medicare beneficiaries voluntarily choose to enroll in Medicare Advantage because it offers extra benefits, it offers lower costs, more flexibility, and better care coordination than the traditional Medicare program.

This program, Medicare Advantage, has been very well received in the State of Nebraska. About 35,000 Nebraskans are enrolled in Medicare Advantage.

An analysis notes that further cuts to Medicare Advantage would “disproportionately affect beneficiaries with low incomes, including the 41 percent of enrollees with incomes below \$20,000.”

This announcement is absolutely no surprise; the health care law has siphoned over \$700 billion from Medicare—not to strengthen the program but to pay for ObamaCare; \$308 billion of those cuts come from Medicare Advantage, again disproportionately affecting beneficiaries with low incomes, including 41 percent who are trying to live on incomes below \$20,000.

The reality is these cuts will likely mean fewer benefits and higher out-of-pocket costs for seniors who can't afford that. Plans could drop out of the market all together or seniors could find out that their trusted doctor will no longer be covered by their plan. We have already started to see the consequences.

Since the passage of ObamaCare, the number of Medicare Advantage plans available to seniors has not been strengthened. In fact, they have been reduced from 48 in 2009 to now 20.

In rural areas, seniors have fewer choices. The plans available have dropped from 36 to 13, according to a Kaiser analysis.

Another study estimates about 526,000 of current 2013 Medicare Advantage enrollees will have to make some changes because their plan is not available in 2014.

How do these consequences match up with the President's promises? Well, they don't. The President spoke about Medicare, and he said: “Don't worry; I am not going to touch it”—or his promise: If you like your plan, you can keep it, which an independent fact checker has called the lie of the year.

The Medicare Advantage issues unraveling today are symbolic of the broader problems with the law. The math doesn't add up, and the promises aren't kept. Nearly every week it

seems the authors and supporters of this law are trying to bury their past. They are trying to create hollow promises. They are trying to get around misleading statements and hide behind a new position, at least until the November elections are over.

It is remarkable that they are perfectly willing to evade the key pillars of this law. The law's employer mandate has been ignored and delayed. Mandated plan benefits aren't required for another year, and deadlines are conveniently rescheduled—to when? Until after the election.

This time around 19 Democratic Senators have joined a number of Republicans in writing the Medicare administrator saying the administration's Medicare Advantage cuts “create disruption and confusion” and “inhibit plans from driving the innovation that has resulted in better care and improved outcomes for Medicare beneficiaries.”

What is so contradictory is that these same individuals voted against amendments offered by Senator HATCH, twice, during the health care law debate that would have struck ObamaCare's Medicare Advantage cuts. They twice voted against that.

Understanding the consequences of these Medicare Advantage cuts before the law was passed would seem like the responsible course of action. But rejecting these amendments, voting for a bill that cuts over \$300 billion for Medicare Advantage, then backpedaling when the politics get tough, and when the cuts become real to everyday folks, apparently, they were for the cuts before they were against the cuts.

It is even more frustrating when you consider that recent efforts to dodge these cuts are only part of the story. For the past few years, the Obama administration has been pumping money back into Medicare Advantage under the guise of a so-called demonstration program that the Government Accountability Office says they probably don't even have the authority to run. GAO asserted that HHS should terminate the demonstration program, but the administration flat-out ignored that.

The real purpose of the \$8 billion program was to effectively mask the health care law's significant cuts to Medicare Advantage until when? After the November election. It is just another example of the administration's hiding their poor decisions and then re-writing the law as they see fit. But as this new Medicare notice clearly shows, this phony demonstration project is about to run out and our senior citizens are truly caught.

Our taxpayers deserve a government that is held accountable for its actions. Americans are tired of temporary fixes and lip service. They are rightfully demanding the truth. It is time for my friends across the aisle to own up to the devastating consequences of this law and acknowledge it is time to repeal it.

During the debate, Republicans also supported an amendment to ensure Medicare savings were invested back into Medicare, not used to back ObamaCare. Remarkably, nearly everyone on the Democratic side of the aisle rejected that idea. Republicans are still committed to that principle, and we stand ready to work on ensuring the Medicare Program is accessible, that it is flexible, and that it is cost-efficient for seniors today and for our grandchildren in the decades to come.

Taking money out of Medicare to finance ObamaCare was wrong and it needs to stop. That is a promise worth delivering on.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHATZ). Without objection, it is so ordered.

Mr. THUNE. Mr. President, I come to the floor today to discuss the pain ObamaCare continues to inflict on Americans. It seems like every week brings more ObamaCare bad news for somebody—families, businesses, middle-income Americans, lower income Americans. This past week the bad news was for seniors.

On Friday the Obama administration announced its planned 2015 cuts to Medicare Advantage—cuts that were dictated by ObamaCare and will result in higher prices and fewer choices for millions of American seniors. More than 15 million seniors—close to 30 percent of all Medicare recipients—are enrolled in Medicare Advantage plans. The Wall Street Journal reports that approximately one out of every two new Medicare enrollees chooses Medicare Advantage.

Medicare Advantage offers seniors a chance to pick a plan that is right for them instead of a one-size-fits-all approach. Advantage plans also frequently offer important health supplements, such as dental, vision, hearing, and wellness benefits, as well as smaller copays or deductibles. Studies also show that Medicare Advantage Program enrollees receive better care and experience better health outcomes than seniors enrolled in traditional fee-for-service Medicare.

Despite the benefits these plans offer to seniors, Democrats and the President supported Medicare Advantage cuts in the President's health care law. In 2010, the President and Democrats paid—or I should say tried to pay—for ObamaCare by, among other things, cutting more than \$700 billion from Medicare—already, I might add, on its way to bankruptcy—to pay for yet a new entitlement for nonseniors. More than \$300 billion of those cuts were targeted specifically at the Medicare Advantage Program.