

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.

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#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

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#### EXECUTIVE SESSION

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#### 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.

The State of Washington, if my memory is correct, has the highest minimum wage in the country. Their unemployment rate is lower than the national average.

There is another point I would like to make that needs to be made over and over. We talk a lot in this country about welfare reform. I think that in general, when people use that expression, what they are talking about is lower income people who may be breaking the law and taking advantage of programs for which they are not quite eligible.

Let me say a word about the need for welfare reform but in a somewhat different tone, and let me say that the biggest welfare recipient in this country happens to be the wealthiest family in the United States of America; that is, the Walton family, who owns Walmart, a family that is worth \$100 billion—more wealth, by the way, than the bottom 40 percent of the American people. The wealthiest family in America is the largest welfare recipient in America. How is that? Well, the reason they are so wealthy, the reason that family is worth \$100 billion is they make huge profits because they pay their workers starvation wages. But in order to keep their workers going, the taxpayers of this country—through Medicaid, through nutrition programs, through affordable housing—give assistance to Walmart so that their workers can keep coming to work. So somebody who works at Walmart for \$7.25 or \$8 an hour, more often than not their children are on Medicaid paid for by the taxpayers of this country. They and their kids are on food stamps paid for by the taxpayers of this country. Many of their employees live in affordable housing subsidized by the taxpayers of this country.

So the Walton family becomes the wealthiest family in this country while working-class and middle-class taxpayers provide assistance to their workers so they can continue going to work. Let me make the very radical suggestion that maybe the wealthiest family in America might want to pay their employees a living wage so that the taxpayers of this country do not have to subsidize them.

I would conclude by telling those young people in major cities around this country that many of us respect and appreciate the courage they are showing. It is not easy to walk out of a job when you don't have any money, because your employer may say: You are out of here; you are fired. But these young people have the courage to stand and say: No. We are human beings. We live in the greatest country on Earth. We have to earn a living wage. We can't make it on starvation wages.

So I thank those young people for standing for justice not only for themselves but for all Americans, and I hope that Members of Congress listen carefully to what they are saying and that we go forward as soon as possible in passing a minimum wage that will provide dignity for millions of workers.

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

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

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, 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. REID. Mr. President, we know what is ahead of us the next hour or so. I ask unanimous consent that we change that.

In between the vote on Chen, the judge, and the next vote, I ask that there be 10 minutes, and 2 minutes of that would be 1 minute on each side, and 8 minutes would be given to the co-manager of that bill, SUSAN COLLINS. That would be for debate only.

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

#### THUD APPROPRIATIONS

Mrs. MURRAY. Mr. President, we have spent the last 2 weeks here on the Senate floor talking about our bipartisan transportation and housing bill. This is a bill that is all about creating jobs, investing in our families and in our communities, and laying down a strong foundation for a long-term and broad-based economic growth. This bill is not exactly a bill I would have written on my own. I know it is not exactly a bill Senator COLLINS would have written on her own. But it is a compromise bill that reflects the deep cuts we made when we set spending levels in the Budget Control Act as well as the best ideas from both sides of the aisle of ways we can improve and reform our transportation and housing investment.

The transportation and housing investments in this bill have a direct impact on the families and communities we represent, from improving our roads, to reducing traffic and helping Main Street businesses, to making sure our bridges are safe so we do not see more collapses like the one back home in my State of Washington, to supporting our most vulnerable families, seniors, and veterans with a roof over their heads when they need it the most and making investments in our communities that mayors across our country use to create local jobs in their hometowns and so much more.

Senator COLLINS and I worked very hard together to write a bipartisan bill to invest in programs that should not be partisan. I think we succeeded. Six Republicans voted for this bill in committee; 73 Senators voted to bring this bill to the floor for a debate. That debate was a full and open one, with amendments and votes from Democrats and Republicans.

I wish to personally thank Senator COLLINS for her hard work on this bill, and I also thank all of our staff on the appropriations subcommittee: Alex Keenan, Dabney Hegg, Meaghan McCarthy, Rachel Milberg, and Dan Broder; as well as the staff of Senator COLLINS, who spent endless hours: Heideh Shahmoradi, Kenneth Altman,

Jason Woolwine, and Rajat Mathur—all of whom worked so hard and put in so many hours and late nights on this strong bipartisan bill.

After 2 weeks of debate and discussion and a bipartisan bill before us, we are now going to move very shortly to a final vote. I want to be clear. This bill has the support of the majority of the caucus. In the House of Representatives, what did we see happen yesterday? They pulled their transportation and housing bill off the floor. The Republican leadership would not even allow a vote on their bill because they did not have a majority in their caucus. The chairman of the House Appropriations Committee said that showed that sequestration is unworkable and needs to be replaced. That is the House Republican chairman. But here in the Senate we have a majority, and we should move to pass this bill.

The only thing that can block the passage of this bill, the only way a bipartisan bill with the support of the majority could be stopped is if Republican leaders whip their own Members into filibustering a jobs and infrastructure bill that many of those Republicans actually support. That is the only way.

The choice before us is clear, and I urge my colleagues to make the right one. This vote is not about whether you support this exact bill or agree with the exact spending level. As Senator COLLINS has made clear again and again, you can think the spending level is too high and still support this process in which we pass a bill in the Senate and work with the House bill on a compromise. You can certainly disagree with the bill and not think it should be subjected to a filibuster.

The bottom line is that a vote to wrap up and vote on this bill is a vote for jobs and the economy and for bipartisan solutions to the problems facing our Nation. A vote to filibuster this bill is a vote for more gridlock, more obstruction, more partisanship, and more political games.

I know when I go home to Washington State I want to be able to tell my constituents that Democrats and Republicans worked together to solve some problems, help them, and grow the economy. I know there are many Democrats and Republicans here today who want to be able to say the same to their constituents, and I hope they will stand with me and Senator COLLINS and vote against a filibuster of our bipartisan bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

#### UNANIMOUS CONSENT REQUEST—S. 101

Mr. VITTER. Mr. President, I stand today to discuss and strongly support my bill, S. 101, the State and Local Government Bailout Prevention Act. I urge all of us to unite to pass this bill

expeditiously. Let me briefly explain what it is about.

I first introduced this bill in early 2011, February 2011, because two things were happening. First of all, several significant State and local entities were teetering on the verge of bankruptcy. At the same time, the Federal Government—things in Washington—was in a horrible state fiscally, such that we could clearly not afford to take on more spending, more debt, more responsibility. I wanted to pass legislation that would make it crystal clear that neither we, the Congress, nor the Treasury Department, nor the Federal Reserve, nor any other Federal entity was going to bail out State or local governments that had acted irresponsibly and tipped into bankruptcy.

Things have not gotten better since then. In fact, in many ways things have gotten worse, and very recently, just in the last few weeks, the city of Detroit filed for bankruptcy—the largest municipal bankruptcy in U.S. history. Other large States and local communities are teetering on the verge of bankruptcy. Many States are in a horrible fiscal situation, such as California and Illinois.

Meanwhile, we are not in a fundamentally more sound place here in Washington at the Federal level. Even if we stick to the Budget Control Act numbers—and that is very much up in the air, but even if we stick to those numbers, Congress will spend \$967 billion in discretionary money this year, and that will result in a \$810 billion deficit—almost a \$1 trillion deficit this year.

This Nation, total, is almost \$17 trillion in debt. The balance sheet of the Federal Reserve has swollen from \$800 billion in August of 2007 to over \$3.5 trillion today.

Now more than ever, S. 101, the State and Local Government Bailout Prevention Act, is appropriate, is needed. That is why I come to the floor today to urge expeditious passage of S. 101. This bill is very simple, basic, straightforward, but important. It would simply do four things: First, it would prohibit the use of Federal funds to bail out State and local government budgets. Second, it would prevent the Federal Reserve from providing assistance to or creating a facility to help, again, State and local governments in a bailout situation. Third, it would prevent Congress and the Treasury Department from bailing out State and local governments. Fourth, there is specific language so we do not create any confusion that this is not intended to stop or deter or interfere with appropriate assistance in declared disaster areas.

That is the sum and substance of S. 101, the State and Local Government Bailout Prevention Act. When you look at situations such as Detroit—the largest ever municipal bankruptcy—and when you look at our fiscal situation in Washington at the Federal level, this clear bar of the Fed bailing out State and local governments is very much needed.

I ask unanimous consent that the Committee on Banking, Housing, and

Urban Development be discharged from further consideration of S. 101 and the Senate proceed to its immediate consideration and that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WYDEN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. WYDEN. Mr. President, I will be very clear. First, I say to my colleague from Louisiana, he and I have worked together often on a whole host of issues. He is on Environment and Public Works; I chair Energy. I want him to know I am happy to continue working with him on this and other issues. The reason I have to object at this time is that the language as it is written would deal a huge body blow to more than 700 rural and heavily forested counties across the country in more than 40 of our States. It, in effect, could prohibit payments under the Secure Rural Schools and Community Self-Determination Act.

This legislation, which was a bipartisan bill—Senator Larry Craig and I authored this legislation—is a lifeline for these hard-hit rural communities that are walking on a tightrope. They are trying to balance, for example, how they are going to keep the schools open and how they are going to have law enforcement in their communities. Declining revenues from Federal forests spurred the creation of this program to compensate for the loss of receipts from the Federal forests. Suffice it to say that without this legislation we could have school perhaps 3 days a week in a big chunk of rural America. I mentioned law enforcement. The question of how you maintain 24-hour law enforcement in a lot of these areas has been drawn into question. I think that without this assistance we might have some counties facing bankruptcy.

Given the fact that this language does not clarify the status of the Secure Rural Schools Program, I have to object. I am going to continue to object until the legislation does clarify that it will not prohibit payments under that legislation, which is a lifeline for rural America.

We have had a number of recorded votes on that particular legislation here in the Senate. It has received overwhelming bipartisan support. It was authorized on a bipartisan basis.

I am going to yield the floor. I know colleagues want to speak on this issue. I want it understood how concerned I am about the legislation in its present form. That is why I have to object at this time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I too join with our colleague from Oregon in raising great concern about what this proposal would do. This is a proposal—we have seen, actually, three of them now—that would cut all Federal funding for any community that has either

defaulted or, more important, is at risk, has problems financially. What does that mean? It means that any city, any county, any local unit of government that is struggling with a tight budget could potentially lose all Federal funding. We are not talking about a bailout here. We are talking about the same Federal funds that go to every community—no funding for emergency services such as police departments and fire departments; no funding for transportation, for roads and bridges; cutting off funding for special education and for our schools; no funding for economic development to help these communities that are challenged because of, possibly, economic circumstances such as a shifting manufacturing base or other economic issues beyond their control.

This is extremely broad. According to some legal definitions, “default” could mean anything—late payments on any kind of an obligation. It makes absolutely no sense.

Let me also indicate that one of the real concerning problems here is that it would exempt emergency spending for a natural disaster. I appreciate that the Senator from Louisiana would want to do that given the fact that we had Hurricane Katrina hit in New Orleans and our whole country came together. People in Detroit raised money to help with Hurricane Katrina. But I suggest that for the 41 cities and counties that filed bankruptcy over the last 20 years or the hundreds from Texas, to Kentucky, to Alabama, and beyond who now have troubled bond ratings and are considered at risk—this is really a slap in the face to every city and community across our country.

This is not about stopping a bailout for Detroit. We are working hard. People are coming together. This is a community that is coming back thanks to a tremendous amount of grit, hard work, and leadership from the business community, religious community, community leaders, and so on. This is about whether we are going to support communities that need some help.

Think about this: If a city is doing well and has a wealthy tax base and an upper middle-income community with high-powered lobbyists, then they should get Federal money—taxpayer money? Children with disabilities can get special education. We are going to help build roads and bridges in communities. But if a community is having some financial difficulty, then, unfortunately, we would say we would not allow the same ordinary Federal funding every community gets to be available for that community. That is not the right values for America.

That is why the International City/County Management Association, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, the Government

Finance Officers Association strongly oppose this effort.

I have one final statement to make before turning to our distinguished senior Senator from Michigan.

When we are looking at what is happening right now in Detroit and around the country, once again we are seeing workers and retirees on the frontline who have lost their pensions and their wages. In the auto rescue, we saw Delphi retiree pensions were not protected. Now in the city of Detroit, police, fire, and city workers are not protected. So when we talk about the middle class of this country—people working hard every day—we need to put them first. We need to make sure nobody loses their pension. We need to make sure we stand as a country with cities that are in distress and working hard to become vibrant and strong again.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I too object to the unanimous consent request. While the sponsor says it is aimed at bailouts, no one I know of is seeking a bailout from the communities that would be impacted. Despite the stated intention, the effect of this bill is to endanger the financial health of hundreds of cities and counties in every corner of this country. It would weaken the safety and security of countless Americans who call those communities home. I don't know of anyone seeking a bailout. Yet bailout is the word that is used frequently here by the sponsor of this legislation.

What is the definition? Communities at risk of defaulting. Hundreds and hundreds of communities are "at risk of defaulting." It is unclear what that means. But the strains on local governments in the last few years—particularly following the financial crisis we had—are real. To say that any community, city, or State, for that matter, that is at risk of defaulting is to be challenged in terms of getting regular support from the Federal Government.

This is not limited to loans. This bill affects grants as well as loans. In the words of the bill, "grants and aid" would be prevented. All sorts of Federal funding, in other words, besides those kind of actions of the Federal Government involving credit or reliance on credit of the donor or for repayment.

The Congressional Research Service says this, again, applies not just to loans but to grants as well. Why in Heaven's name would struggling communities—whether it is my hometown of Detroit or any other community in this country—be denied the ability to seek grants is beyond me. It is not limited to loans but grants as well. This bill goes way beyond the bailouts that no one is seeking and would have a severe impact on cities and towns across the country.

Standard & Poor's lists more than 250 securities offered by Louisiana municipalities that are below investment grade. One State has 250 communities

with securities below investment grade, which presumably means there is a significant credit risk in those communities. Under this bill, are those communities not eligible to seek regular grants? I am afraid so, and that is not just me saying that. Again, that is from the CRS.

Finally, Senator STABENOW has made reference to a letter that we received from the National League of Cities, National Association of Counties, the United States Conference of Mayors, and others, opposing this legislation because it goes way beyond its stated purpose of preventing bailouts.

Again, my town—and I don't know of any town that has—has not asked for a bailout. I am proud to have been living in Detroit all of my life. It doesn't need this kind of legislation poking at it to stop something from going to Detroit, which it has not applied for.

I know this legislation was introduced before this recent bankruptcy application on the part of the city of Detroit, but nonetheless to seek a unanimous consent in this context and in this moment to pass legislation—apparently without even a hearing—seems to me to be beyond the pale.

As a lifelong resident of Detroit, I oppose this proposal. I oppose it because thousands of municipalities that have suffered in the aftermath of the recent recession would be negatively affected. Our residents, their residents, our employees, their employees, and retirees around the country deserve better.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I appreciate the two Senators from Michigan being the only ones on the floor right now objecting and saying this has nothing to do with Detroit, but, of course, it does.

I am very sorry to hear this objection. There is no objection on the Republican side. Of course there would be an objection if, in fact, this legislation would bar normal Federal grants and normal Federal loans unrelated to a bailout of a State or a municipality in bankruptcy mode, but it doesn't do that.

The legislation is very specific and very targeted. It is about a bailout of a State or locality in bankruptcy mode, and that is what it is about. It is not about normal routine Federal funding, and that is why there is no Republican objection.

One of the distinguished Senators from Michigan makes the point that Detroit has not formally asked for a bailout. That is true so far. But when the mayor talked to the Wall Street Journal about this, he "left the door open for a Federal bailout after the city's bankruptcy filing." When asked directly whether Detroit would seek a Federal bailout, Mayor Bing said, "Not yet."

Similarly, the Governor of Michigan Rick Snyder didn't support a bailout but said on CBS's "Face the Nation:" "If the Federal Government wants to do that, that's their option." That is

not exactly not opening the door and considering that opportunity.

Again, I didn't file this bill in the last 2 weeks. I originally filed this bill in February of 2011. Unfortunately, Detroit isn't the only municipal or State bankruptcy on the maps. States can't formally file bankruptcy, but in laymen's terms they can essentially go bankrupt. Detroit is not the only issue on the map. Many States face a horrible fiscal situation as well, such as California and Illinois. There is a real danger of these States and localities seeking a Federal bailout. This bill is about that. It is not about normal Federal funding. It is not about the safe and secure rural schools program. It is not about any of that routine stuff. It is about a bailout of a State. It is about a bailout of the municipality or other local jurisdiction. Of course, Detroit, unfortunately, is the most obvious example after its historic bankruptcy filing very recently.

Again, I am sorry to hear their objection. I am sorry the two Senators from Michigan are here on the floor about this. I don't think that is a coincidence because this is a bill about bailouts. I think we should pass it, and be very crystal clear at the Federal level that we are not going to take on that bailout role and responsibility.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. On line 7, page 1: "Notwithstanding any other provision of law"—and then after talking about Federal funds not being used to purchase or guarantee obligations, it then says:

no Federal funds may be used . . . or provide direct or indirect grants-and-aid, to any State government, municipal government, local government, or county government which, on or after January 26, 2011, has defaulted on its obligations.

It is very clear. It is line 7, page 1, and lines 1 and 2 on page 2: "direct or indirect grants-and-aid to" may not be provided to any city which has defaulted on its obligations. This is the language of the bill.

It also says on line 12 of page 2 that the funds of the United States may not be used "to assist such government entity." "Assist any such government entity."

Hundreds of governments would be covered by this legislation. It is no coincidence that the Senators from Michigan are here on the floor because we are the most current victims of this language if it were ever passed. There are hundreds of others who would be victimized by this language because of its breadth, and that is what the Senator from Oregon was very dramatically pointing out.

Mr. President, I ask unanimous consent that the language from the bill be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:



S. 101

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PROHIBITION ON THE USE OF FEDERAL FUNDS TO PAY STATE AND LOCAL OBLIGATIONS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, no Federal funds may be used to purchase or guarantee obligations of, issue lines of credit to, or provide direct or indirect grants-and-aid to, any State government, municipal government, local government, or county government which, on or after January 26, 2011, has defaulted on its obligations, is at risk of defaulting, or is likely to default, absent such assistance from the United States Government.

(b) LIMIT ON USE OF BORROWED FUNDS.—The Secretary of the Treasury shall not, directly or indirectly, use general fund revenues or funds borrowed pursuant to title 31, United States Code, to purchase or guarantee any asset or obligation of any State government, municipal government, local government, or county government, or otherwise to assist such government entity, if, on or after January 26, 2011, that State government, municipal government, or county government has defaulted on its obligations, is at risk of defaulting, or is likely to default, absent such assistance from the United States Government.

(c) PROHIBITION ON FEDERAL RESERVE ASSISTANCE.—Notwithstanding any other provision of law, the Board of Governors of the Federal Reserve System shall not provide or extend to, or authorize with respect to, any State government, municipal government, local government, county government, or other entity that has taxing authority or bonding authority, any funds, loan guarantees, credits, or any other financial instrument or other authority, including the purchasing of the bonds of such State, municipality, locality, county, or other bonding authority, or to otherwise assist such government entity under any authority of the Board of Governors.

(d) LIMITATION.—Subsections (a) through (c) shall not apply to Federal assistance provided in response to a natural disaster.

Mr. LEVIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I support the nomination of Raymond T. Chen, to be United States Circuit Judge for the Federal circuit. This is the 29th judicial confirmation this year. With today's confirmation, the Senate will have confirmed 200 lower court nominees; we have defeated two. That's 200 to 2. That is an outstanding record. That's a success rate of 99 percent.

We have been doing that at a fast pace. During the last Congress, we confirmed more judges than any Congress since the 103rd Congress, which was 1993 to 1994.

So far this year, the first of President Obama's second term, we've already confirmed more judges than were confirmed in the entire first year of President Bush's second term. At a similar stage in President Bush's second term, only 10 judicial nominees had been confirmed. We are now at a 29-to-10 comparison with President Obama clearly ahead of where President Bush was. And, as I said, we have already confirmed more nominees this year—29—than we did during the entirety of 2005, the first year of Presi-

dent Bush's second term, when 21 lower court judges were confirmed.

With regard to hearings, the record shows that President Obama is being treated much better than President Bush during his second term.

Last week we held the 11th judicial nominations hearing this year. In those hearings we have considered a total of 33 judicial nominees. Compare this favorable treatment of President Obama during the beginning of his second term versus the first year of President Bush's second term. At this stage in President Bush's second term, the Committee had held not 11 hearings with 33 judicial nominees, but only 3 hearings for 5 nominees, and all of those were hold-overs from the previous Congress.

In fact, for the entire year of 2005, Senate Democrats only allowed 7 hearings for a grand total of 18 judicial nominees.

It is hard to believe, but no nomination hearings on judicial nominees were held during April, May, June, or July. Four months with no judicial nomination hearings. Yet, we recently rushed through hearings on nominees to the DC Circuit Court of Appeals, plus a number of District nominations. In fact, in just the last few weeks, we have held hearings for 14 judicial nominees. That's not very far behind the entire output of 2005—7 hearings, 18 nominees.

Again, we have already exceeded that number—11 hearings and 33 judicial nominees. The bottom line is that the Senate is processing the President's nominees exceptionally fairly.

President Obama certainly is being treated more fairly in the first year of his second term than Senate Democrats treated President Bush in 2005. It is not clear to me how allowing more votes and more hearings than President Bush got in an entire year amounts to "unprecedented delays and obstruction." Yet, that is the complaint we hear over and over from the other side. So I just wanted to set the record straight—again—before we vote on this nomination.

Raymond T. Chen is nominated to be United States Circuit Judge for the Federal circuit. He received his B.S. from the University of California, Los Angeles, in 1990 and his J.D. from New York University School of Law in 1994. Upon graduation, Mr. Chen worked at Knobbe, Martens, Olson & Bear in California from 1994 to 1996. As an associate, he drafted district court briefs and legal memoranda on specific patent and trademark issues as well as several patent applications spanning various technologies.

In 1996, Mr. Chen joined the senior technical assistant's office at the Federal circuit in Washington as one of three technical assistants. There, he researched and wrote memoranda, commenting on drafts of court opinions for both legal and technical accuracy as well as identification of conflicting legal precedent, occasionally writing for individual judges.

From 1998 to 2008, Mr. Chen served as an associate solicitor in the Office of

the Solicitor at the United States Patent and Trademark Office. During that time, he was first or second chair on several dozen Federal Circuit briefs defending the agency's patent and trademark decisions, and he presented approximately 20 arguments in the Federal Circuit.

He regularly appeared in district court defending the agency against lawsuits brought under the Administrative Procedure Act. He was also a legal advisor on several patent policy and legal issues within the agency, occasionally prosecuting patent attorneys in administrative proceedings for violating the agency's code of professional responsibility.

In 2008, Mr. Chen became the Deputy General Counsel of Intellectual Property Law and Solicitor. There he supervises other lawyers in the Solicitor's Office and has presented oral arguments in some of the seminal patent cases before the Federal circuit.

In addition, Mr. Chen deals with higher-level patent and trademark policy issues within the agency. He also coordinates the determination of what positions the United States should take as an amicus in intellectual property cases before both the Supreme Court and the Federal circuit.

Lastly, Mr. Chen is responsible for the review and clearance of all new regulations and amendments to existing regulations for the Office of the Solicitor.

The ABA Standing Committee on the Federal Judiciary gave him a unanimous "well qualified" rating.

The PRESIDING OFFICER (Ms. BALDWIN). All time has expired.

Mr. GRASSLEY. I ask my colleagues to vote for this nomination.

Mr. LEAHY. Madam President, I ask unanimous consent for 30 additional seconds.

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

Mr. LEAHY. I believe we should act quickly on a number of judicial vacancies. Eleven of the twelve circuit and district nominees currently pending before the Senate were reported by voice vote. All Democrats, all Republicans on the Judiciary Committee voted together. There is no reason why we couldn't consider all 12 today, along with Mr. Chen. If we work together, then we can fulfill the needs of the Federal judiciary.

Madam President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of

Raymond T. Chen, of Maryland, to be United States Circuit Judge for the Federal Circuit?

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 198 Ex.]

YEAS—97

Alexander	Flake	Murphy
Ayotte	Franken	Murray
Baldwin	Gillibrand	Nelson
Barrasso	Graham	Paul
Baucus	Grassley	Portman
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Blumenthal	Hatch	Reid
Blunt	Heinrich	Risch
Boozman	Heitkamp	Roberts
Boxer	Heller	Rockefeller
Brown	Hirono	Rubio
Burr	Hoeven	Sanders
Cantwell	Isakson	Schatz
Cardin	Johanns	Schumer
Carper	Johnson (SD)	Scott
Casey	Johnson (WI)	Sessions
Chambliss	Kaine	Shaheen
Chiesa	King	Shelby
Coats	Kirk	Stabenow
Coburn	Klobuchar	Tester
Cochran	Leahy	Thune
Collins	Lee	Toomey
Coons	Levin	Udall (CO)
Corker	Manchin	Udall (NM)
Cornyn	Markey	Vitter
Crapo	McCaskill	Warner
Cruz	McConnell	Warren
Donnelly	Menendez	Whitehouse
Durbin	Merkley	Wicker
Enzi	Mikulski	Wyden
Feinstein	Moran	
Fischer	Murkowski	

NOT VOTING—3

Inhofe Landrieu McCain

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

## CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes for debate only, with the Senator from Maine Ms. COLLINS controlling 8 minutes and with 2 minutes equally divided in the usual form prior to a vote on the motion to invoke cloture on S. 1243.

Mrs. MURRAY. Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senate is not in order.

The Senate will be in order.

The majority leader.

Mr. REID. Madam President, have Senators sit down and shut up. OK. It is unfair. Senator MURRAY has something to say. Senator COLLINS has something to say. It is just not polite.

The PRESIDING OFFICER. The Senate will be in order. Senators will take their conversations from the well. The Senate will be in order.

The Senator from Maine.

Ms. COLLINS. Thank you, Madam President.

Madam President, the Senate will shortly decide whether to invoke cloture on the fiscal year 2014 Transportation, Housing and Urban Development appropriations bill. We have spent nearly 2 weeks debating this bill and working through approximately 85 amendments.

We were making progress. We even had a vote on a nongermane amendment, which clearly would have fallen to a point of order had one been raised. So no one has been shut out of this process.

Chairman MURRAY and I have repeatedly encouraged Senators to come to the floor, file, and debate their amendments to improve the bill we reported.

It has been an open and transparent debate thus far, a return to regular order—something I have heard virtually everyone here urge us to do.

Nevertheless, some Senators are intent on preventing this legislation from moving forward, despite the fact that this bill is not the final version of the transportation and housing appropriations bill. It is only one step in the process but an essential step—one that will allow the Senate to move forward and eventually negotiate with the House of Representatives to decide on a top line and to further improve the bill.

A considerable number of my colleagues have advocated for the House funding level of \$44 billion and have opposed the Senate bill. But I would like to point out that not one of my colleagues has offered a specific amendment, account by account, to reduce the funding levels, program by program, in this bill to meet the \$44 billion level in the House bill.

I personally offered an amendment that said that in October, if we find we have breached the top line of the Budget Control Act, we would go back to the appropriations process and redo the bill to meet that top line.

I would also point out that yesterday the House leadership was forced to pull its THUD bill from the floor due to lack of support. Some Republican Members thought the spending levels were too high. But it is surely significant that a substantial number of Republicans felt the bill, as written, was far too low and would hurt our homeless veterans, would delay repair of our crumbling infrastructure, and would slash the Community Development Block Grant Program to the lowest level in history, to below the 1975 level when it was first created by President Ford.

Let me point out that the numbers in the House bill were not realistic. That is one of the reasons it failed. The numbers in our bill are not unrealistic. They are too high. They would come down in conference. The President's request was artificially low due to several budget gimmicks and scoring differences. We took care of those gimmicks. We have an honest bill that is before our Members. Let me give you just one example of a gimmick that was in the President's budget. His request for the section 8 project-based rental assistance is insufficient to fully fund the 12-month renewal contracts with private owners.

We are not going to be throwing people out of those subsidized apartments after 10 months in the year. So Senator MURRAY and I added funding to more accurately reflect what was needed. That was over \$1 billion of the difference. There was the difference in the scoring by CBO and OMB. We have to go by CBO. That accounted for \$1.8 billion.

It is disappointing to me that we have not gone to conference on the budget because we would not be in this dilemma. We would have agreed-upon allocations that would guide the appropriations process. But in the absence of that, what is wrong with proceeding with this bill with cutting spending in it? If Members have amendments they wish to offer to cut spending—and there are a few that have been offered, but as I said, none that bring it down to the House's level in an account-by-account manner.

I am still hopeful we will be able to pass this bill and start bringing other appropriations bills to the floor before the end of the fiscal year because forcing the government to operate under continuing resolutions is irresponsible. It ends up costing more money in the long run. It is wasteful because we continue to fund programs that are no longer needed because we are just continuing current law.

So I urge my colleagues to think very carefully about this vote. It would be so unfortunate if we go home to our constituents in August and are forced to tell them we are unable to do our job. We should continue working on this bill. We should invoke cloture. This bill undoubtedly would have been reduced in conference had we been allowed to go forward.

I do wish to thank many of my colleagues for working with us as we tried so hard to advance this important legislation. I am particularly grateful to Chairman MURRAY for her bipartisan approach and collaboration and for working so closely with me throughout the process.

Finally, I would be remiss if I did not thank our staffs on both sides of the aisle for their hard work. They have worked night and day on this bill. I will put all of their names in the RECORD. I know my time is expiring.

Let's do the right thing. Let's proceed to end the debate on this bill, take