

with the cleanup and recovery. I stand ready to help ensure there is Federal assistance to augment the arduous but critical recovery work that the municipalities and the State already have begun.

Tornadoes aren't new to Illinois. They are pretty common in our part of the world, but this is an unusual situation we face. In the last 27 years, there have been approximately 194 tornadoes in our State recorded in the month of November; 101 of them were recorded yesterday—again, 194 in 27 years, and 101 yesterday. Is the weather changing in America? I think the people in Illinois would say it is changing for the worse when it comes to the incidences of tornadoes out of season in our State of Illinois.

There are two things I can predict about this disaster, without fail. One year from now, we will go back to these scenes and we will see the most amazing work having been done by so many families and so many neighbors to pitch in and rebuild. They never quit and never give up. They will be back. They will be back with their homes and playgrounds and churches and schools and shops. They will be back.

The second thing I can predict without fail—and it is not unique to Illinois, but I am so proud of it—is that neighborly quality where people pitch in to help one another in ways large and small, from showing up last night in Washington, IL, at one of the shelters with 35 hot pizzas; somebody just brought them in and said give them to whoever wants them. It is the little gestures such as that, and many others, large and small, which I am so proud to report that are just part of who we are. Again, not unique to Illinois, not unique to the Midwest, maybe not even unique to America, but time and again in times of crisis it comes out and shows itself over and over again.

WILKINS NOMINATION

Mr. DURBIN. Mr. President, I rise to speak about the President's nominations to fill vacancies on the Court of Appeals for the DC Circuit.

The DC Circuit, which is considered to be the second most important court in America, has 8 active judges of the 11 judgeships authorized by law. My colleagues on the other side of the aisle have argued that the Senate should not confirm any of President Obama's nominees for these vacancies. But when there are vacancies in the Federal judiciary, it is the duty of the President to fill them, and it is the duty of the Senate to advise and consent in an honest and professional way to the filling of these vacancies. The Senate does not have the right to unilaterally determine that certain judicial seats and posts should never be filled by certain Presidents. That is exactly what is happening today in the U.S. Senate.

Today we are considering the nomination of Judge Robert Wilkins to

serve on the DC Circuit. He currently serves as a Federal judge for the U.S. District Court for the District of Columbia. He was confirmed by the Senate in 2010 by a voice vote—no controversy. Seventy of my colleagues, including 28 Republicans, were here for that confirmation.

There is no question that Judge Wilkins has the experience, qualifications, and integrity to be an outstanding circuit court judge. He is a native of Indiana and a graduate of Harvard Law. He worked for 11 years as a public defender in Washington, DC, and then joined the Venable law firm, where he served as a partner for nearly a decade.

As a judge, he has presided over hundreds of civil and criminal cases. He has a reputation, an unblemished reputation, for fairness and integrity. The Leadership Conference on Civil and Human Rights, which strongly supports his nomination, said he has a "wealth of experience and impartiality" and a "steadfast commitment to enforcing the rule of law."

He has been rated "unanimously well-qualified" to serve on the DC Circuit by the nonpartisan American Bar Association.

No Senator—not one—questioned his qualifications during his hearing before the Senate Judiciary Committee. As a sitting Federal judge, he has already demonstrated sound judgment and integrity.

He deserves an up-or-down vote on his nomination. And he deserves to be confirmed. But my Republican colleagues have made it clear that, once again, they are going to filibuster President Obama's nominee to the DC Circuit. It has nothing to do with Judge Wilkins, they say. They just do not want any Democratic President to fill this vacancy on this important court, period. This is becoming a pattern, an embarrassing pattern, in the U.S. Senate, and this court is exhibit A in the abuse of the filibuster.

President George W. Bush made six nominations for the DC Circuit during his Presidency. Four were confirmed by the Senate. President Obama has made five nominations for the DC Circuit. If the Republicans filibuster Judge Wilkins today, as they have threatened, then four out of the five of this President's nominees will have been filibustered.

Let's go through these nominees, just to recollect.

Caitlin Halligan, Patricia Millett, and Nina Pillard—some of the finest attorneys in the country, some of the most outstanding women who have ever been nominated for a Federal judgeship—were all filibustered and stopped by the Republicans.

My Republican colleagues say this is an argument about caseload because there is not enough work to justify these judges. This argument does not make sense. My Republican colleagues were eager to confirm nominees for the 9th, 10th, and 11th seats on the DC Circuit when it was a Republican Presi-

dent. You did not hear them talk about caseload then. This is a manufactured excuse for them to filibuster President Obama's nominees.

When it comes to DC Circuit nominees by our current Democratic President, it looks as though we will see four times as many filibusters as confirmations. This is unacceptable. It is disgraceful. These judicial vacancies are authorized by law, and the President has nominated extraordinarily well-qualified women and men to fill them. These nominees do not deserve a filibuster. They deserve a chance to be judged on their merits.

I urge my Republican colleagues to stop these filibusters now and to allow an up-or-down vote on Judge Wilkins and these other outstanding nominees.

We reached a bit of an agreement here a number of years ago that we would not stop these nominees unless there were "extraordinary circumstances." That was the term that was used. It turns out one of those extraordinary circumstances is when a Democratic President named Barack Obama makes a nomination. Too many Republicans think that is extraordinary and that they can stop well-qualified, good people from serving our Nation and serving on this important court.

We will have a chance this afternoon. I hope Judge Wilkins will be given that chance to serve on this important court.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RETIREMENT CRISIS

Ms. WARREN. Mr. President, I rise today to talk about the retirement crisis in this country—a crisis that has received far too little attention and far too little response from Washington.

I have spent most of my career studying the economic pressures on middle-class families—families who worked hard, who played by the rules, but who still found themselves just hanging on by their fingernails. Starting in the 1970s, even as workers became more productive, their wages flattened, while core expenses such as housing and health care and sending their kids to college kept going up.

Working families did not ask for a bailout. Instead, they rolled up their sleeves. They sent both parents into the workforce. But that meant higher childcare costs, a second car, and higher taxes. So they tightened their belts more, cutting spending wherever they could.

Adjusted for inflation, families today spend less than they did a generation

ago on food, clothing, furniture, appliances, and other flexible purchases. When that still was not enough to cover rising costs, they took on debt—credit card debt, college debt, debt just to pay for the necessities.

As families became increasingly desperate, unscrupulous financial institutions were all too happy to chain them to financial products that got them into even more trouble—products where fine print and legalese covered the true costs of credit. These trends are not new. There have been warning signs for years about what is happening to our middle class.

One major consequence of these increasing pressures on working people—a consequence that receives far too little attention—is that the dream of a secure retirement is slowly slipping away.

A generation ago, middle-class families were able to put away enough money during their working years to make it through their later years with dignity. On average, they saved about 11 percent of their take-home pay while working. Many paid off their homes, got rid of all their debts, and retired with strong pensions from their employers. And when pensions, savings, and investments fell short, they could rely on Social Security to make up the difference.

That was the story a generation ago. Since that time the retirement landscape has shifted dramatically against our families. Among working families on the verge of retirement, about a third have no retirement savings of any kind and another third have total savings that are less than a year's annual income. Many seniors have seen their housing wealth shrink as well. According to AARP, in 2012, one out of every seven older homers was paying down a mortgage that was higher than the value of their house.

And just as they need to rely more than ever on pensions, employers are withdrawing from their traditional role in helping provide a secure retirement. Two decades ago, more than a third of all private sector workers—35 percent—had traditional defined benefit pensions—pensions that guaranteed a certain monthly payment that retirees knew they could depend on. Today that number has been cut in half. Only 18 percent of private sector workers have defined benefit pensions. Employers have replaced guaranteed retirement income with savings plans, such as 401(k) plans, that leave the retiree at the mercy of a market that rises and falls and sometimes at the mercy of dangerous investment products. These plans often fall short of what retirees need and nearly half of all American workers do not even have access to those limited plans. This leaves more than 44 million workers without any retirement assistance from their employers.

Add all of this up—the dramatic decline in individual savings and the dramatic decline of guaranteed retirement

benefits and employer support in return for a lifetime of work—and we are left with a retirement crisis, a crisis that is as real and as frightening as any policy problem facing the United States today.

With less savings and weaker private retirement protection, retirees depend more than ever on the safety and reliability of Social Security. Social Security works. No one runs out of benefits and the payments do not rise or fall with the stock market. Two-thirds of seniors rely on it for the majority of their income in retirement, and for 14 million seniors—14 million—this is the safety net that keeps them out of poverty. God bless Social Security.

And yet even Social Security has been under attack. Monthly payments are modest, averaging about \$1,250, and over time those benefits are shrinking in value. This puts a terrible squeeze on seniors.

With tens of millions of people more financially stressed as they approach retirement, with more and more people left out of the private retirement security system, and with the economic security of our families unraveling, Social Security is rapidly becoming the only—only—lifeline that millions of seniors have to keep their heads above water. And yet instead of taking on the retirement crisis, instead of strengthening Social Security, some in Washington are fighting to cut benefits.

Just this morning the Washington Post ran an editorial mocking the idea of a looming retirement crisis. To make sure no one missed the point, they even put the words “retirement crisis” in quotation marks.

No retirement crisis? Tell that to the millions of Americans who are facing retirement without a pension. Tell that to the millions of Americans who have nothing to fall back on except Social Security. There is a \$6.6 trillion gap between what Americans under 65 are currently saving and what they will need to maintain their standard of living when they hit retirement. Mr. President, \$6.6 trillion—and that assumes that Social Security benefits are not cut. Make no mistake, there is a crisis.

The call to cut Social Security has an uglier side to it too. The Washington Post framed the choice as more children in poverty versus more seniors in poverty. The suggestion that we have become a country where those living in poverty fight each other for a handful of crumbs tossed off the tables of the very wealthy is fundamentally wrong. This is about our values, and our values tell us that we do not build a future by deciding first who among the vulnerable will be left to starve.

Look at the basic facts. Today Social Security has a \$2.7 trillion surplus. If we do nothing, Social Security will be safe for the next 20 years and even after that will continue to pay most benefits. With some modest adjustments, we can keep the system solvent for many more years—and we could even increase benefits.

The tools to help us build a future are available to us now. We do not start the debate by deciding who gets kicked to the curb. We are Americans. We start the debate by figuring out how to create better efficiencies, how to make small changes that will make the system fairer, how to grow the pool of those who contribute, and how to rebuild the system that every single one of us can rely on to make sure there is a baseline in retirement that no one falls below.

We do not build a future for our children by cutting basic retirement benefits for their grandparents. No. We build a future for our kids by strengthening our economy, by investing in education and infrastructure and research, by rebuilding a strong and robust middle class in which every kid gets a chance and the most vulnerable have a strong safety net.

The most recent discussion about cutting benefits has focused on something called the chained CPI. Supporters of the chained CPI say it is a more accurate way of measuring the cost-of-living increases for seniors. That statement is simply not true. Chained CPI falls far short of the actual increases in costs that seniors face. Pure and simple, chained CPI is just a fancy way to say cut benefits.

The Bureau of Labor Statistics has developed a measure of the real impact of inflation on seniors. It is called the CPI-E. If we adopt it today, it would generally increase the benefits for our retirees, not cut them. Social Security is not the answer for all of our retirement problems. We need to find a way to tackle the financial squeeze that is crushing our families. We need to help families start saving again. We need to make sure more workers have access to better pensions. But in the meantime, so long as those problems continue to exist and as long as we are in the midst of a real and growing retirement crisis, a crisis that is shaking the foundations of what was once a vibrant and secure middle class, the absolute last thing we want to do is cut Social Security benefits. The absolute last thing we should do in 2013, at the very moment that Social Security has become the principal lifeline for millions of our seniors, is allow the program to be dismantled inch by inch.

Over the past generation, working families have been hacked at, chipped, and hammered. If we want a real middle class, a middle class that continues to serve as the backbone of our country, then we must take the retirement crisis seriously. Seniors have worked their entire lives and have paid into this system. But right now more people than ever are on the edge of financial disaster once they retire. The numbers continue to get worse. That is why we should be talking about expanding Social Security benefits, not cutting them.

Senator HARKIN from Iowa, Senator BEGICH from Alaska, Senator SANDERS from Vermont, and others have been

pushing hard in that direction. Social Security is incredibly effective. It is incredibly popular. The calls for strengthening it are growing louder day by day.

The conversation about retirement and Social Security benefits is not a conversation just about math. At its core this is a conversation about our values. It is a conversation about who we are as a country and who we are as a people. I believe we honor our promises. We make good on a system that millions of people paid into faithfully throughout their working years. We support the right of every person to retire with dignity.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, 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. McCONNELL. Mr. President, as I noted last week, despite the repeated promises of President Obama, millions of people are losing their health insurance, health insurance they very much like and were assured that they could keep. It has been reported that so far 3.5 million Americans have lost their health insurance under ObamaCare. That includes over one-quarter of a million in Kentucky, one-third of a million people in Florida, and almost a million people in California. This is a serious problem that the President and congressional Democrats need to do something about. Unfortunately, they appear to be relying on half measures and creative accounting, not real solutions.

For example, we learned over the weekend that the administration's goal is to have the Web site serve only 80 percent of users, which is probably why our Democratic colleagues want to spend 100 percent of their time discussing other subjects, which brings us to the vote we will have today.

NOMINATIONS

For the third time in this work period, the majority will have the Senate vote on yet another nominee to the DC Circuit. This is not because the court needs more judges. It is the least busy court in our entire country. In fact, it is far less busy now than it was when Senate Democrats pocket-filibustered President Bush's nominee to that court, Peter Keisler, for 2 whole years. This is according to our Democratic colleagues' own standards.

Our colleagues are having the Senate spend time on this because doing so furthers their twin political goals: first, to quote a member of the Democratic leadership, to fill up that court because the President's agenda, according to an administration ally, runs

through the DC Circuit; second, to divert as much attention as possible from the problem-plagued ObamaCare rollout at this formative stage of the 2014 campaign, according to published reports. In other words, rather than focusing on keeping their commitment to the American people, they are focusing on what appeals to their base. Rather than change the law that is causing so many problems for so many, they want to change the subject.

Unfortunately, the Senate will not be voting on legislation to allow Americans to keep their health insurance if they like it, as they were promised again and again and again. Rather, we will be voting on another nominee for a court that does not have enough work to do. The Senate ought to be spending its time dealing with a real crisis, not a manufactured one. We ought to be dealing with an ill-conceived law that is causing millions of Americans to lose their health insurance. Instead, we will spend our time today on a political exercise designed to distract the American people from the mess that is ObamaCare, rather than trying to fix it.

Last week I also suggested that if our Democratic colleagues are going to ignore the fact that millions of people are losing their health insurance plans, they should at least be working with us to fill judicial emergencies that actually exist, rather than complaining about fake ones. I noted there are nominees on the Executive Calendar who would fill actual judicial emergencies, unlike any of the DC Circuit nominations. Several of them, in fact, have been pending on the calendar longer than the nomination on which we will be voting today. Another week has gone by without any action by the majority to fill these actual judicial emergencies. Rather than work with us to schedule votes on them in an orderly manner as we have been doing, the majority chose to leapfrog over them in order to concoct a crisis on the DC Circuit so it can distract Americans from the failings of ObamaCare.

Unfortunately, our friends appear to be more concerned with playing politics than with actually solving problems. So like last week, I will vote no on this afternoon's political exercise. As I said last week, I hope the Senate will focus on what the American people care about rather than spend its time trying to distract them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, if I am in order, I would like to speak on the judicial nomination, the vote we are having.

The PRESIDING OFFICER. The Senator is recognized.

WILKINS NOMINATION

Mr. GRASSLEY. I am going to vote not to bring up the nomination of Judge Wilkins. I have some concerns

about his record, but I am not going to focus on those concerns today, because there are a lot bigger issues we are dealing with. I have said it before and I will say it again: By the standards the Democrats established in the year 2006, we should not confirm anymore judges to the DC Circuit, especially when those additional judges cost approximately \$1 million per year per judge.

The fact of the matter is, this DC Circuit they want to make three more appointments to—and this will be the third of these appointments we have dealt with—is underworked. The statistics make it abundantly clear, but I am not going to go through them all again as I have in the past. I will mention a couple brief points regarding the caseload. The DC Circuit ranks last, for instance, in both the number of appeals filed and the appeals terminated. These are the cases coming to the court and going out. Not only does DC rank last, but it is not even close. To give you a frame of reference compared to DC, the Eleventh Circuit, which has the highest caseload, has over five times as many appeals as are filed here in the DC Circuit. The same is true for appeals terminated. Again, it is not even close. The Eleventh Circuit has over five times as many appeals terminated as the DC Circuit.

The bottom line is that the DC Circuit does not have enough work as it is right now, let alone if we were to add even more judges, in this case the President's desire to add three.

That is why the current judges on the court, the current judges, have written to me and said things such as: "If any more judges were added now, there wouldn't be enough work to go around."

As I said last week, at least some on the other side concede that the DC Circuit's caseload is low, but they claim DC's caseload numbers don't take into account the complexity of the court's docket based upon the number of administrative appeals filed in that circuit.

As I have said, this argument doesn't stand against scrutiny. My colleagues argue that the DC Circuit docket is complex because 43 percent of its dockets are made up of administrative appeals. Of course, there is a reason they cite a percentage rather than a number. That is because it is a high percentage of a very small number.

When we look at the actual number of these so-called complex cases per judge, the Second Circuit has almost twice as many as the DC Circuit. In 2012 there were 512 administrative appeals filed in the DC Circuit, but in the Second Circuit there were 1,493 filed.

Stated differently, in DC there were only 64 administrative appeals per active judge. The Second Circuit has nearly twice as many with 115 files. Again, that is 64 administrative appeals per judge in DC compared with almost twice as many with the Second Circuit at 115.