

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

This entire argument about complexity, I hope, comes out to be nonsense to most of my colleagues. To hear the other side, it is an outrage that we would hold them to the same standards they established in 2006 when they blocked Peter Keisler's nomination to the DC Circuit based upon caseload.

Since that time, by the standard that the other side established, the court's caseload has declined even further. It has declined so much, in fact, that the number of appeals back then, with 10 acting judges, is roughly the same as there are now with 8 active judges. Again, we didn't set this standard, the Democrats did.

That standard may be inconvenient for Democrats today, but that is not a reason to abandon the standard they established. Remember, the other side established the Keisler standard after the so-called Gang of 14 agreement. Even if that agreement hadn't expired by its own terms at the end of the 109th Congress, the Democrats established the Keisler standard after that agreement supposedly took effect.

As I have said, the other side has run out of legitimate arguments in support of these nominations. That is why they seem to be grasping at straws.

When the other side gasps at straws, they get desperate. When the other side gets desperate, they turn to their last line of defense, accuse us Republicans of bias.

Over the last week or so, my colleagues on the other side have argued that Republicans are opposing nominees based on gender. That argument—as I said last week and I still say—is offensive and patently absurd.

It is so absurd, in fact, that even the Los Angeles Times called the Democrats' attempt to play the "gender card" a "pretty bogus argument," noting that in the past Republicans have "happily confirmed female nominees."

The fact is that the Republicans have supported over 80 women nominated to the bench by this President as well as a host of other nominees of diverse backgrounds. Those are the facts. It is unfortunate but sadly predictable that facts may not mean much.

These allegations of gender bias are unfortunate because they represent cheap attacks that the other side knows are untrue. It also is unfortunate because the entire exercise is designed to create the appearance of a crisis where there is no crisis. There is no crisis in the DC Circuit because they don't have enough work to do as it is. There is a crisis occurring now all across the country as a result of the health care reform bill that often goes by the terminology of ObamaCare.

Millions of Americans are losing their health insurance, even though the President promised over and over—we know the quote: "If you like your health care, you can keep it."

Even though we have a very real and serious crisis facing this country because of ObamaCare, the other side is

desperately trying to divert attention to anything but the ObamaCare disaster.

This is how the Roll Call newspaper described this strategy:

Senate Democrats . . . are readying their next assertive moves on three other issues important to their base:

Abortion rights
Minimum wage
Federal judiciary

The goal is to divert as much attention as possible away from the problem-plagued ObamaCare rollout.

Let me get this straight. A crisis is unfolding all across this country as millions of Americans are losing their health insurance because of ObamaCare. Yet the Democrats' strategy, according to Roll Call, is to conceal the ObamaCare crisis by using the DC Circuit as a smokescreen.

That is breathtaking, even by Washington, DC, standards. The other side is so eager to divert attention from the millions of Americans losing their insurance because of ObamaCare that they are willing to manufacture a crisis in the DC Circuit, even though the current judges say: "If any more judges were added now, there wouldn't be enough work to go around."

Not only that, but after running out of legitimate arguments to justify the President's attempt to stack the deck on this court, the other side has resorted to making allegations of gender bias. I have already explained that these allegations are offensive and absurd. But since the other side's strategy is to conceal the ObamaCare train wreck with a DC Circuit smokescreen and on top of that is willing to go so far as to accuse our side of gender bias, then I am going to take the opportunity to share some of the frustrations being experienced by my constituents in Iowa, meaning women in Iowa, as a result of ObamaCare.

A woman from Vinton, IA, writes:

After 28 days of complete frustration, I got to look at 30 plans on the Iowa health care exchange at healthcare.gov. The CHEAPEST one is \$1,886 per year with a \$6,300 deductible.

Last year, I spent \$1,484 on health care. TOTAL. OUT OF MY OWN POCKET. I wouldn't even meet the deductible paying almost \$350 a month on the one plan offered.

At that rate, what I spent TOTAL last year would be spent on premiums in 4 months. . . .

With more and more policies being cancelled by the insurance companies; with more and more doctors refusing to serve patients with Obamacare; and with the increasing anger towards elected officials, including President Obama, how do you plan to fix this mess???

Another woman from Sioux City, IA, writes:

My company just had a meeting inform us of the changes to our healthcare plan thanks to "Obamacare".

It is going to cost me \$190 more each month next year for my family coverage.

I am going to have to work more overtime, reduce my 401K contributions and opt out of my Flex 125 contributions to try to recover the extra money coming out of my paycheck because of the new laws. . . .

While I suppose I should count myself lucky I didn't lose my employer health in-

urance coverage, I sure don't feel happy about the extra money I am going to have to pay for the same coverage I was getting this year. What a joke.

I wish there was something that could be done about this. Socialized health care . . .

Then she used a word that I can't repeat in the Senate.

From a mom in Dayton, IA:

Our family's health insurance agency contacted us last week to set up an appointment to talk to us about the changes in our health coverage due to Obamacare.

We went to the meeting and found out that our HSA that we currently have will no longer be available because of Obamacare, plus our monthly rate will go from \$350.00/month to \$570.00/month.

We have no idea how we are going to afford this increase. We feel blindsided. I know that you are committed to helping Iowans, as well as all Americans, so I ask that you keep fighting for affordable healthcare.

My final message is from a woman in Melbourne, IA, who writes:

I got a full in your face understanding of just how horrible it was today when I went to renew my insurance.

I currently pay \$110 every two weeks for insurance for my whole family.

Next year I will have to pay over \$500 every two weeks to insure my family.

The healthcare website Obamacare created is no better. I can't even get the website to work properly. It will not allow me to put my husband on a joint policy with me. . . . I actually have to weigh which is cheaper . . . paying the fine or paying for insurance. Sadly it will probably be paying the fine.

These are real stories from real women facing a real crisis in only 1 State of the 50 States, my State of Iowa. Of course, this isn't happening only in my State. Far from it. This is happening to millions of Americans all across the country.

Rather than focus on this crisis, a real crisis, the other side has developed a strategy specifically designed to divert attention from it. That strategy is to use the DC Circuit as a smokescreen.

In summary, the judges themselves say: "If any more judges were added now, there wouldn't be enough work to go around."

Even though we shouldn't fill these seats based upon the Democratic standard set in 2006 and even though filling these seats would waste \$3 million per year in taxpayers' money that we don't have, the other side seems, in an unreasonable way, bent upon manufacturing a crisis for cynical, political reasons.

I urge my colleagues on the other side to come to their senses. Let us start focusing on the real crisis facing this country. I urge my colleagues to vote no on the Wilkins cloture petition.

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

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

TRIBUTE TO CONGRESSMAN DICK NICHOLS

Mr. MORAN. Mr. President, last month I was at the World War II Memorial greeting a number of Kansans who had arrived on an Honor Flight, and I certainly want to pay tribute to each of our service men and women and veterans. What a great experience it was on a beautiful day at the memorial. One of those veterans is someone I wish to talk about this evening to my colleagues here in the Senate.

Getting off the bus that day was my friend and a former Member of the U.S. House of Representatives for the Fifth Congressional District of Kansas, Dick Nichols. There are many things I admire about Kansans. Folks from my home State always look out for others. They commit their lives to helping and improving the lives of their communities, our State, and our Nation in order to make certain there is an even better opportunity for the next generation. Congressman Nichols is certainly one of those individuals. I wish to pay my regards to him today.

Dick was born in Kansas, raised in Fort Scott, and served during World War II as an ensign in the U.S. Navy. After serving our Nation with great integrity and humility, he pursued and achieved a bachelor's degree in science from Kansas State University in 1951. Congressman Nichols is a supporter of education but particularly a supporter of education that comes from Kansas State University. He is a Wildcat through and through.

Dick worked in a number of roles related to agriculture and banking in both the Topeka and Hutchinson communities in our State before he moved to McPherson—his home now. In McPherson, he began his career as a longtime community banker at the Home State Bank. He became president of that bank in 1969, and in 1986 he was elected to serve as president of the Kansas Bankers Association.

That same year Dick got some national notoriety: He was stabbed on the Staten Island Ferry by a homeless refugee from Cuba while touring the Statue of Liberty. While recuperating in the hospital, he was visited by then-New York Mayor Ed Koch, who apologized on behalf of the city of New York for the event. He was also invited to the Johnny Carson show to tell of his experiences in New York City. But even during that particular event, what he said on the talk show and what he told Mayor Koch was that he always looked for the best in every person and in every situation.

Dick continued as an active banker and served as the president and chairman of the board of his bank until he was elected to the U.S. Congress in 1990. Due to reapportionment in our State following the 1990 census, his district, the Fifth District, was eliminated and we went from five congressional districts to four, and Dick returned to the Home State Bank as chairman of its board. But whether he

was a Congressman representing the Fifth District, a community banker in his hometown, or an ensign in the U.S. Navy, Dick always put service to others above self-interest.

Prior to his election to office in Congress, he was active in Kansas politics and particularly Republican politics. In my first campaign in 1996 for the U.S. House of Representatives, it was an honor for me to have him agree to serve as my campaign's honorary chairman.

In addition to his political involvement, Dick was also engaged in so many other things, many of them related to the community he cares so much about, McPherson, KS, including the chamber of commerce and the Rotary Club. He became the commanding general of the Kansas Cavalry, which is a group of business men and women from across our State who band together to recruit and encourage new businesses to come to our State, and he continued to serve other service men and women and veterans through his membership and participation in the American Legion and VFW.

Dick has often been quoted as saying: Much of life is in our mental attitude. If you think great things might happen, they do. If you question them ever happening, they won't.

I agree with that sentiment, and I have seen Dick Nichols live that in his life. Because of his attitude and character, many—including me—were inspired not only to get to know him but then to try to model their public service after his.

In McPherson, there are few people more loved and respected than Dick Nichols. It is a privilege for me to be able to call him a friend and mentor. When I initially ran for Congress and needed advice about his community and his county, he was the first person I reached out to. I always remember, as I was campaigning for the very first time for office in Congress, I had people tell me: If you are a friend of Dick Nichols', you are a friend of mine. And it is an opportunity we all ought to take to remember that how we conduct ourselves influence and affect so many others.

While I know that what happens here in the Senate and what happens in Washington, DC, has huge consequences and effect upon Kansans and Americans—and, in fact, people around the globe—I continue to believe that we change the world one person at a time, and it happens in communities across my State and across the country. Dick Nichols represents the kind of person who changes lives—in fact, changes the life of every person he meets.

So today, having seen Dick Nichols just a few weeks ago at the World War II Memorial, built in his and other World War II veterans' honor, I express my gratitude to Congressman Nichols for his service to his community, to our State of Kansas, and to our Nation. And I use this opportunity to remind

myself about the true nature of public service, about caring for other people. I wish Dick and his wife Linda and their families all the very best.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF ROBERT LEON WILKINS TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Robert Leon Wilkins to be United States Circuit Judge.

The assistant legislative clerk read the nomination of Robert Leon Wilkins, of the District of Columbia, to be United States Circuit Judge for the District Of Columbia Circuit.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided and controlled in the usual form.

The Senator from Maryland.

Mr. CARDIN. Mr. President, I rise today in strong support of the nomination of Judge Robert L. Wilkins to be a circuit judge for the United States Court of Appeals for the District of Columbia Circuit. I was pleased to introduce Judge Wilkins to the Judiciary Committee in September, and the committee favorably reported his nomination in October.

Judge Wilkins currently serves as Federal District Judge for the U.S. District Court for the District of Columbia, and was unanimously confirmed by the Senate for this position in 2010. I urge the Senate to invoke cloture to allow an up-or-down vote on this extremely qualified nominee.

Judge Wilkins is a native of Muncie, IN. He obtained his B.S. cum laude in chemical engineering from Rose-Hulman Institute of Technology, and his J.D. from Harvard Law School.

Following graduation, Judge Wilkins clerked for the Honorable Earl B. Gilliam of the U.S. District Court for the Southern District of California. He later served as a staff attorney and as head of Special Litigation for the Public Defender Service for the District of Columbia. He then practiced as a partner with Venable LLP, specializing in white collar defense, intellectual property, and complex civil litigation, before taking the bench as a judge.