colleagues. This is from a small business owner from Lancaster County, PA. I got this just—I think I got this earlier today. I will just quote from this email from my constituent, addressed to me. It says:

As my Congressional representative, you need to know how ObamaCare is harming my life and health care.

I work for a small construction company. My cost for family health care was already over $11,000 per year. We received notification that our policy was being canceled since it did not comply with the requirements of the Affordable Care Act.

Our company looked for the best rates they could find for comparable coverage which did comply. They chose a new insurance company. We just recently were given the costs for next year. My costs to cover myself and my family will be over $17,500, a 59-percent increase. Even with that, the deductibles and out-of-pocket maximums are higher. This is not ''Affordable Care''. This would eat up a major part of my income.

I attempted to log onto the healthcare.gov website several times, but always get kicked out. I do not hold much hope that I will get any better rates, because I don't qualify for a credit.

We were already struggling to live on my take home pay. We cannot afford to have it reduced by over $6,500.00. We may have to drop coverage for my wife or kids, and pay the penalty.

I suspect that this law will result in many more people losing more health care, at the expense of a few getting free or reduced cost healthcare.

I got this just a week ago from a man from Cumberland County, PA. He said:

My wife Barb and I have been trying for almost three weeks now to get signed up. . . . all income and health info and private information is on the unsecured web site and the application is accepted . . . but we have not been able to get on to pick the plan or get our price . . . so nobody has been paid. Thus our canceled insurance ends on Dec. 31st and we look to be out.

A BIG mistake by the folks who voted for this . . . I've had cancer a couple times, my wife has had cancer and we both see our doctors when needed. This ACA will ruin many families if we can't get onto an insurance plan.

A woman from Lebanon County, PA, sent me this email a week ago. She said:

We had our healthcare discontinued, and after an appeal we were able to get it reinstated, but only for this year. Currently we have a health care savings plan with a deductible of $3,000 a year. . . . In the new plan, our deductible would increase to $12,000 . . . and our premiums would increase to $9,000 a year. How is a middle class married family supposed to pay for that?

This is absolutely ridiculous, and this is our situation. I hope every government worker has to purchase their plan through this plan.

Here is another. A man from Delaware County in southeastern Pennsylvania:

I am 66 and I am on Medicare. My wife is 63. Her insurance company canceled her ''longstanding'' policy due to the requirements of the ACA. Her ''new'' policy costs $350 more per month. We are on a strict budget. . . . We are the hard working middle class. Who stands for us?

There was another promise we frequently heard, and that promise we frequently heard was that if you like your doctor, you will be able to keep your doctor. This too was known to be impossible. Since the law was designed to discontinue health insurance plans and force people on to alternative plans, not all plans cover the same doctors. Certainly, some were going to lose their coverage. Let me give an example of an email I got from Westmoreland County just last week. She writes:

I have been self-employed for 13 years and have never been without health insurance. 3 years ago I was diagnosed with multiple sclerosis. Having an expensive preexisting condition was not a problem for me as I had never let my insurance lapse. My medications cost (without insurance) $4,000+ per month. I received notice several weeks ago that they would now cancel my plan and would do so as of Jan 1, and I had to sign up for new coverage through the health insurance exchange.

My staff reached out to this woman and tried to help and, after several attempts, she was able to access the exchange. Do my colleagues know what she learned? She learned that in her region there were two options available to her. One covers her doctors who have been treating her for her MS for years. The other covers her prescription drugs. Neither one covers both.

These are the kinds of decisions people are being forced to make all over America. They are the kinds of decisions people are being forced to make every day. It is the direct result of the loss of personal freedom that this legislation imposes on people, and this is the topic that we ought to be addressing in this body so we can pursue the only solution, which is to repeal this bill and move health care in a completely different direction.

I believe my time has expired, so I will yield the floor.

The PRESIDING OFFICER. The Senator from New York.

FALLEN FIREFIGHTERS ASSISTANCE TAX CLARIFICATION ACT

Mr. SCHUMER. Mr. President, I rise to speak about a particular incident that occurred in Webster, NY, a beautiful town near the City of Rochester.

On Christmas Eve, 2012, nearly 1 year ago today, the 125-member West Webster Volunteer Firemen's Association—a volunteer fire department east of Rochester, NY—faced an unimaginable tragedy when four of their brave members were wounded, two fatally, when they responded to a fire but instead faced an ambush of unspeakable proportions.

While many families across our Nation were waking up last Christmas Eve morning to finish preparing Christmas dinner, shopping, wrapping presents, picking up the family from the airport, four Webster families were instead confronting a heart-wrenching tragedy.

The call of a house on fire came into the West Webster Fire Department at 5:30 a.m. on December 24, and although it was a cold snowy morning, still dark before the Sun rose, everyday heroes from the West Webster Fire Department courageously did what they volunteered to do on behalf of their neighbors and on behalf of their hometowns. They, similar to millions of brave volunteer firefighters throughout our country and throughout its history, left their homes and their families in safety to put out a fire that always creates danger.

This routine call turned into a tragedy which shocked the community, people throughout the country, and even people throughout the world.

Firefighter Joseph Hofstetter, a 14-year volunteer for West Webster Fire Department, arrived first on the scene. Firefighter Theodore Scardino arrived soon after with LT Mike Chiapperini in a pumper truck, followed by 19-year-old firefighter Tomasz Kaczowka driving the department's SUV.

What they did not know was that the fire was intentionally set by the home's owner in order to lure these innocent firefighters into a senseless sniper ambush. The sniper was hiding behind a berm amid the chaos of the fire and began shooting at the responding firefighters.

The firefighters were confused at first to hear popping sounds and thought it might be from the fire but LT Mike Chiapperini, who was also a Webster police officer, knew better and shouted to his fellow volunteers to take cover, but unfortunately it was too late.

Firefighter Hofstetter was shot in the pelvis while trying to alert dispatchers on the radio to the situation.

Ted Scardino was shot in the shoulder, and 5 minutes later he was shot again in the leg. The 16-year volunteer lay there while bleeding for over an hour, enduring the December cold while sustaining second-degree burns on his head as the fire now spread to consume six other neighboring homes.

Lieutenant Chiapperini and Firefighter Kaczowka both died in the ambush.

As news of this horrific, senseless Christmas Eve tragedy spread, well-meaning people from across the Rochester and Finger Lakes area, across New York State, across the Nation and the world reached out to the West Webster Volunteer Firemen's Association to offer support and prayers.

Thousands of incredibly generous people flooded the department with countless financial contributions to support the volunteer department, to support the four firefighters—and in the case of Lieutenant Chiapperini and Firefighter Kaczowka, to support the families they had left behind.

Not realizing that collecting and distributing the funds to the families would jeopardize the association's tax-exempt status with the IRS, the association accepted donations from generous people all around the Nation wanting to help the four families who suffered the most on that day.

They collected these donations for the victims, for their families, and they want to give these donations to

the victims and their families. It defies reason that they would be unable to do so now because of a technicality in the Tax Code.

Just as we did after 9/11, and again after a similar fire department tragedy in California in 2006, it is our obligation to make sure the West Webster Volunteer Firemen's Association can now disburse to these families the contributions that their neighbors and unknown, countless, generous others wanted them to have.

As it is, the disbursement of these funds has been delayed for months and now almost 1 year. That is why I am asking the Senate to proceed with consideration of the Fallen Firefighters Assistance Tax Clarification Act.

This proposal merely clarifies—as we did after 9/11 and again after the California tragedy in 2006—that the West Webster Volunteer Fire Department will not lose its status as a nonprofit association by distributing the donations to these firefighters and their families.

As we again enter the Christmas season and approach the 1-year anniversary of this tragedy, now is the time to make this right.

We need to do it on behalf of the families of the fallen and the injured. The family of 43-year-old LT Mike Chiapperini includes his wife Kim, his 19-year-old son Nick, and his daughters, 4-year-old Kacie and 3-year-old Kylie.

Known to many as Chip, Lieutenant Chiapperini was a West Webster Fire Department volunteer firefighter for 25 years. He was past chief of the West Webster Fire Department and adviser for its Fire Explorer Post. He also served with distinction for 19 years as a police officer with the Webster Police Department and rose through the ranks as a dispatcher, police officer, investigator, sergeant, and lieutenant. In short, he committed his entire life to public service for the town of Webster.

Likewise, 19-year-old firefighter Tomasz Kaczowka left behind his parents Janina and Marian Kaczowka, along with his older twin brothers and a large extended family. Firefighter Kaczowka was selflessly devoted to his family and his community. In fact, he was not even supposed to be on duty that Christmas Eve but elected to make the shift so that older department members could be home with their families that day.

The surviving firefighters, Ted Scardino and Joseph Hofstetter, have had to endure long rehabilitations for their injuries and their families have had to deal with life's ordinary challenges and day-to-day expenses as Ted and Joseph recover and move forward with their lives.

The fact is, ordinary Americans, moved by the heroic sacrifice of these volunteer firefighters, have offered their generous support. They have intended their contributions to help these families in the wake of the tragedy and in recognition of the service of these brave firefighters.

These were volunteer firefighters—volunteers. I know many of my colleagues on both sides of the aisle are well acquainted with the volunteer fire service. Many may even have a membership in a volunteer fire company themselves.

You all know men and women just like the members of West Webster. They are the epitome of the American spirit.

The French observer de Tocqueville was taken by that spirit when he visited America and the Rochester area in 1831 and thought voluntarism was one of the things that set America apart from the rest of the world. That was true then. It is still true today.

These heroes do not ask for anything. They just want to protect their neighbors and their community. It is just plain wrong that they would lose their not-for-profit status simply for being a passthrough to convey donations to these families after an unspeakable tragedy.

In that same spirit, I had hoped to request unanimous consent this evening to move forward with the consideration of this legislation. Who could object? Who could object? However, I understand that some of my colleagues on the other side of the aisle object to me making the request at this time. Therefore, I will withhold that request this evening and sincerely hope my colleagues will think about this overnight and allow us to proceed with consideration tomorrow. It is, indeed, the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I appreciate the comments of my colleague from New York. He has been a tireless champion for the terrific, dedicated, self-sacrificing firefighters of New York City.

Tonight we are on the floor addressing the question of whether we should confirm Cornelia Pillard as a candidate for the DC Circuit Court. She is a law scholar with a long track record of public service. She served twice in the Justice Department and successfully defended the Family and Medical Leave Act, a crucial piece of legislation for working families. She now teaches law at Georgetown University, one of the top law schools in the Nation.

The truth is, she is an extremely well-qualified nominee who will be an excellent addition to the DC Circuit Court. She has personally argued and briefed Supreme Court cases brought or defended by government lawyers from Republican administrations, and Republican-appointed Justices have often authored majority opinions in her favor.

She is currently the codirector of the Supreme Court Institute at Georgetown Law, where she personally assists lawyers preparing for the Supreme Court on a pro bono, first-come basis, without regard to which side they represent.

In fact, Professor Pillard chaired the American Bar Association Reading Committee that reviewed Samuel Alito's writings during his nomination process for the Supreme Court. Her committee's assessment led the ABA to give Justice Alito their highest rating of ''well-qualified.''

Professor Pillard's unbiased approach to the law has won the respect of her colleagues in law and in government, including former Department of Justice officials in Republican administrations who have endorsed her nomination to the DC Circuit.

In short, Professor Pillard is a fair-minded, highly accomplished litigator, with an outstanding reputation for public service.

Then why are we here now, after midnight, carrying on this debate? To get to the root of that question, we have to examine the dysfunction that is present in the Senate.

Virtually all Americans know Congress is not working well. Virtually all Americans know the Senate is broken. I saw a poll that said 92 percent of Americans believe Congress is dysfunctional, and I wondered: What is wrong with the other 8 percent? They must not be paying attention. Because what we have experienced in the Senate is a continuous campaign of obstruction and paralysis of the normal proceedings.

There was a time when we had a Senate that had a core principle, which was up-or-down votes, with rare exception—up-or-down votes, with rare exception. That was the tradition of the Senate. That tradition was rooted in the courtesy—the courtesy—of hearing out every Senator who wished to share their opinion on a topic before the Senate would make a decision.

Maybe that was something easier to do when there were only 26 Members of the Senate. We now have 100 Members of the Senate. So maybe it takes a while to hear the opinions of every Member, but still that courtesy has been honored through the years. But the counterpart to that is that folks knew in the end the Senate, with very rare exception, would get to a simple majority vote. The entire structure of our Constitution and the vision of our Founders was that this body would make decisions with a simple majority vote.

Recall, if you will, that the Founders put into the Constitution special occasions for a supermajority. Those special occasions were things such as overriding a Presidential veto. Those special occasions were things such as reviewing a treaty. But they envisioned a simple majority vote for the legislature because they felt the majority decision most of the time would be a better direction to go than the minority opinion. That is the principle of democracy. The direction that most Senators believe is the correct direction is the basis for going forward.

This principle has been completely lost in the last few years. A small

group of Senators decided they should replace the constitutional principle of a simple majority with a super-majority, that virtually every action would be subject to a requirement to have 60 votes to close debate rather than the constitutional 51.

This has been applied in ways American citizens cannot even imagine. Let's take motions to proceed. A motion to proceed simply says it is time to take up this bill. Let's vote yes or no on taking up this bill. That is the motion to proceed.

But in recent times the minority has said: You know what. We can use this motion to proceed as an opportunity to paralyze the Senate. We can object to having that simple majority vote, and then we can deny—there being this supermajority to close debate—even if we have nothing to say, and we can simply waste the Senate's time on debating whether to debate.

I have argued for a long time that this abuse must end. It is time to get rid of the filibuster on this motion to proceed. But nonetheless we have it and my colleagues in this permanent campaign to paralyze the Senate have chosen to exercise this filibuster, if you will, this supermajority requirement, simply on a motion to debate an issue as opposed to actually being in debate.

Let's take conference committees. It was extraordinarily rare for conference committees—the formation of them—to be subject to a supermajority in the history of the Senate. Conference committees were very common in the seventies and eighties. I was first here as an intern in 1976 with Senator Hatfield, here on Capitol Hill working for Congress in the 1980s.

If one Chamber of Congress and the other Chamber had both passed a bill, well then automatically you had a conference committee meet and resolve the differences. That is just common sense. Why would you delay that for a second? But when I came to the Senate in 2009 as a Senator, I was mystified to discover that conference committees were not being held. So I inquired why that was. The answer was that the minority had decided to use the filibuster, the supermajority, on establishing a conference committee; in other words, block the House and Senate from even talking to each other to resolve differences between two houses.

That drove the debate out of the public realm, in a public room with a TV camera, into private discussions as negotiators tried to resolve and develop a common version of the bill. There too I proposed that we need to get rid of this filibuster on conference committees. It is disrespectful of the most valuable commodity of this body; that is, time; that is, time is wasted on filibusters on whether to start a discussion with the House when both the House and Senate have passed a version of the bill.

Then, of course, we have the ongoing campaign of subjecting virtually every nomination to a supermajority. In fact, in the history of America, in the entire history, before President Obama, only three times was there a filibuster of a district court nominee. But in the time President Obama has been in office, we have had 20 filibusters of district court nominees. Only 3 in our history until President Obama is President and then 20 filibusters when he became President until now—20 out of 23.

That is just a pure deliberate campaign of paralysis and obstruction, undermining the contribution of this body, its responsibility as a legislative body. It is not only judicial nominees, it is executive nominees as well. In our entire history as a nation, 168 nominations have been filibustered—168 in our entire history—82 of them have been nominations by President Obama; 82 nominees just in the 5 years President Obama has been in office out of the 168 in our entire history. So we see, whether we are looking at motions to proceed or conference committees or judicial nominees or executive nominees, a campaign of deliberate paralysis and obstruction rather than a dedication to serving our Nation as the Constitution requires.

Indeed, some have justified this ongoing paralysis. Some of my colleagues have said: But remember, President Washington said the Senate should be a cooling saucer. That concept is that you have a cup of hot tea, and it is too hot to drink, you pour it into a saucer, it cools and then it is just right.

President Washington would never recognize this strategy of obstruction and paralysis as legitimate under the U.S. Constitution. Indeed, there were elements designed to make this body deliberative. But there is a difference between deliberation and the destruction of the legislative process. There is a difference between a cooling saucer, thoughtful deliberation, and a deep freeze.

But certain Members of this body have decided they did not come here to fulfill the constitutional vision of the Senate as a deliberative body, they instead have come to paralyze the function of this body, to obstruct this body.

So there we see it in the filibuster of the conference committees, in the filibuster of the motions to proceed, in the filibuster of the executive branch nominees, filibuster of the judicial nominees, and, of course, the filibuster of legislation that has reached extraordinary levels never seen in the history of our Nation.

Just a little while ago one of my colleagues chose to quote Alexander Hamilton in defense of this strategy of paralysis. I would encourage my colleague to actually read more of Alexander Hamilton because he actually directly addressed this question of filibusters and the potential to obstruct the will of the majority.

What did Alexander Hamilton say? He said: The real operation of the filibuster "is to embarrass the administration, to destroy the energy of government, and to substitute the pleasure, caprice or artifices of a significant, insignificant, turbulent or corrupt junta, to the regular deliberations and decisions of a respectable majority.

He went on to say: When the majority must conform to the views of the minority, the consequence is "tedious delays, continual negotiation and intrigue, contemptible compromises of the public good."

That is a pretty good description of what Americans see happening in this Chamber as a result of the deliberate campaign of paralysis and obstruction: tedious delays, continual intrigue, contemptible compromises of the public good.

Many in this Chamber have tried to reason and convey to Members that we should return to the tradition of the Senate, up-or-down votes with rare exception. In 2005 it was the Democrats in the minority and it was the Republicans who were in the majority. At that time the Democrats decided to filibuster a series of judicial nominees. So this was certainly a tactic employed by both Democrats and Republicans.

Our Republican friends who were in the majority said: That is not acceptable. They said: That is not consistent with the philosophy of up-or-down votes with rare exception. They said that is not consistent with the power vested in the Constitution and the President to be able to place forward his nominees for consideration under the advice and consent clause of the Constitution.

Our Republican colleagues were persuasive. The Democrats in the minority agreed not to filibuster judges except under rare exceptions, exceptions of extraordinary flaws of character and experience. Then the clock turned. We came to 2009. Now we have a Democratic President and Democratic majority. The deal that was cut in 2005, agreed to by both sides, that there would be only rare filibusters based on exceptional flaws of character or experience disappeared. It disappeared completely. The new minority did not honor the deal that had been negotiated in 2005.

So come January 2011, there was a debate on this floor about trying to again restore the traditional understanding, up-or-down votes with rare exception. There was a deal made. It did not last but a few weeks. Then there was another attempt in January 2013. On this occasion, there was a promise made on the floor of the Senate. The minority leader came to the floor and said: The Republicans will return to the norms and traditions of the Senate regarding nominations.

What are those norms and traditions? Those norms and traditions are a simple majority vote with rare exception. Within weeks, that promise was completely shattered. The first ever filibuster in U.S. history of a Defense nominee, ironically a former colleague from the Republican side of the aisle.

Then we had 43 Senators write a letter and say they would not allow anyone to be confirmed for the position as

Director of the Consumer Federal Protection Bureau, certainly inconsistent with up-or-down votes with rare exception for issues of character.

Then there was another big effort in July of 2013, just earlier this year. We all got together in the Old Senate Chamber and we shared our frustrations and our views. Again, the promise was put forward: We will stop filibustering except under rare circumstances related to character or qualifications.

Well, that was terrific.

We had confirmation of the person who was awaiting to be Director of the Environmental Protection Agency, Gina McCarthy. We had confirmation of the person who had been waiting for a very long time as the nominee of the Labor Department, Tom Perez. We had the confirmation of the folks who had been waiting to be confirmed to the National Labor Relations Board. In fact, I think that was the first time we had all five members Senate confirmed in 10 years.

We had the Director of the Consumer Financial Protection Bureau, Richard Cordray was finally confirmed. Shortly thereafter, we had Samantha Powers confirmed to the United Nations, and so forth. The norm was restored but only for a couple of weeks.

Then came the nomination of MEL WATT to head the Federal Housing Finance Agency. Suddenly the commitment for up-or-down votes disappeared. Then we had a whole new strategy on the judiciary. This strategy had never been experienced in U.S. history. It was: No matter whom President Obama nominates for the DC Circuit Court, we are going to block that nominee because we only want to leave in place the nominees that were put in place by President Bush.

That is in direct contravention of the vision of the Constitution where each President as elected has the power to nominate. This Chamber is a check. It gets to vote up or down and decide whether they should be in office. But this was a deliberate strategy to pack the Court, to say that when a President of my party is in power, there will be up-or-down votes, as was insisted in 2005 when the tables were turned, but when the President is of the other party, we are going to have a perpetual campaign and we are going to block up-or-down votes.

Let's picture down the road and the new President is a Republican President. Is there truly any Member here who would say, from the Republican side, that when the Republican President is in place, they were still going to believe they should not fill vacancies on key courts around this country?

It is too bad this campaign of paralysis has been allowed to go on so long. We should have acted long before to fulfil our responsibility to have a deliberative body because that is what legislation is. It is doing enormous damage to the United States of America. First, because of the paralysis, we are not doing the work we should be on legislation. We are not addressing the big issues facing America. There are all kinds of job creation bills that have not been able to get to this floor because they have not been able to get through the gauntlet of paralyzing filibusters that have been laid down.

Americans actually want to work. Americans want to have living-wage jobs. They expect us to act, to make that happen, not to paralyze this institution so it is unable to do so. Indeed, in addition, we are damaging the view of the United States around the world because it used to be the world looked to the United States and said: Look how well their Congress works. They had this Great Depression. They took on and fixed all kinds of flaws in their financial system. They established insurance for bank accounts so there would not be runs on the banks. They replaced a flawed mortgage strategy, which involved callable balloon mortgages, with noncallable fully amortizing mortgages so we did not create a series of dominoes.

They took and created organizations, the Securities and Exchange Commission, to oversee stock markets so folks could have faith, invest in stocks, and put their capital in knowing there was a very good chance that capital would be well utilized because there were accounting standards and qualifications that block predatory practices on Wall Street.

The world saw the U.S. respond to World War II and convert our economy through enormous amounts of legislation in a single year to apply it to the war effort and take on the big challenge of defeating the Nazis.

Then the world saw America use its legislative power to build the largest middle class the world has ever seen. Those living wage jobs, every one of them means a foundation for a family. If we want to talk family values, then fight to have this body, this Senate, work on legislation that creates living-wage jobs. Quit paralyzing the Senate.

Then we have, of course, the fact of this new strategy in these recent months, a deliberate attack on the balance of powers. The Constitution envisioned three branches in balance. It has no hint of any kind that a minority of one branch should be able to undermine the operation of the other two branches. Some colleagues have seized upon a strategy of trying to undermine the integrity of our judiciary. Some colleagues have seized on a strategy of trying to undermine the capability of the elected executive branch, the President and his executive branch.

Read your history—balance of powers, not the ability of the minority or one branch to undermine the success of the other two branches. We need these three branches each doing their assigned roles.

We are at this point after this long set of strategies of paralysis, on motions to proceed, on legislation, on conference committees, on executive branch nominees, on judicial nominees. We have taken the first step toward restoring the function of the Senate, and we have said we should return to the notion of up-and-down votes as envisioned under advise and consent. This is as envisioned by Alexander Hamilton and the other Founders who railed against the notion that a minority would be able to block the will of a majority in the Chamber.

We have done that with nominations. In a continuation of a strategy of paralysis, we are here tonight rather than having voted much earlier in the day. Instead of working on legislation that would create jobs, we are standing here through a series of nominations as the minority insists on wasting the valuable commodity of time in this Chamber.

I hope my colleagues who are intent upon creating this huge imbalance between the branches will reconsider, that they will decide they want to see this Chamber become what it was when I was first here in the 1970s and when I worked for Congress in the 1980s, a great deliberative body. What it was when we took on the Great Depression, what it was when we took on World War II, what it was when we built the great middle class, this is what the United States wants to see. May we make it so.

Thank you, Mr. President.

Mr. LEAHY. Mr. President, tonight we will vote on the nomination of Nina Pillard to the U.S. Court of Appeals for the DC Circuit. On Tuesday, we were finally able to invoke cloture on her nomination, after it had been unjustifiably filibustered by Senate Republicans for nearly 3 months after being favorably voted out of the Senate Judiciary Committee. The DC Circuit is often considered to be the second most important court in the Nation and should be operating at full strength. We are finally taking another step towards making this Court operate at full strength for the American people.

Nina Pillard is an accomplished litigator whose work includes 9 Supreme Court oral arguments, and briefs in more than 25 Supreme Court cases. She drafted the Federal Government's brief in United States v. Virginia, which after a 7 to 1 decision by the Supreme Court made history by opening the Virginia Military Institute's doors to female students and expanded educational opportunity for women across the country. Since then, hundreds of women have had the opportunity to attend VMI and go on to serve our country.

She has not only stood up for equal opportunities for women, but for men as well. In Nevada v. Hibbs, Ms. Pillard successfully represented a male employee of the State of Nevada who was fired when he tried to take unpaid leave under the Family Medical Leave Act to care for his sick wife. In a 6 to 3 opinion authored by then-Chief Justice William Rehnquist, the Supreme Court ruled for her client, recognizing

that the law protects both men and women in their caregiving roles within the family.

She has also worked at the Department of Justice as the Deputy Assistant Attorney General in the Office of Legal Counsel, an office that advises on the most complex constitutional issues facing the executive branch. And prior to that, Ms. Pillard litigated numerous civil rights cases as an assistant counsel at the NAACP Legal Defense & Educational Fund. At Georgetown Law, Ms. Pillard teaches advanced courses on constitutional law and civil procedure, and co-directs the law school's Supreme Court Institute. She has earned the American Bar Association's highest possible ranking—Unanimously Well Qualified—to serve as a Federal appellate judge on the DC Circuit.

Today, however, I have heard some unfortunate and unfair attacks on this fine woman. I have heard comments that she would be ''the most left wing judge'' in U.S. history; that she has extreme views on abortion and religious liberty; and that she would ''rubber stamp'' the most radical legislative and regulatory proposals. One might expect these outrageous accusations to come from right wing fringe groups, but to hear some of these outlandish accusations on the Senate floor is unfortunate.

So let me clear the record. Nina Pillard is one of the finest nominees we have had before this body. On the issue of abortion, Republicans have cherry picked quotes and taken them out of context to try to paint her as someone she is not. The truth is that taken as a whole, her writings have focused on bridging the gap between pro-life and pro-choice advocates by ''finding common ground for ways to reduce reliance on abortion.''

More importantly, I cannot ignore the double standard of certain Senators on the issue of abortion. In 2002, the Senate unanimously confirmed President Bush's nomination of Michael McConnell to the Tenth Circuit by voice vote. Professor McConnell argued that Roe v. Wade was wrongly decided and urged the Supreme Court to overturn it. He applauded a Federal judge for refusing to convict anti-abortion protestors, even though they had clearly violated the law, because of his sympathetic reading of the defendants' motives.

Similarly, in 2002, the Senate confirmed William Pryor to the Eleventh Circuit, even though he called Roe v. Wade the ''worst abomination in the history of constitutional law.'' Another President Bush nominee, J. Leon Holmes, was confirmed to the Federal district court in Arkansas, even though he had argued that abortion should be banned even in case of rape because pregnancy from rape is as uncommon as ''snowfall in Miami.'' He had also written that wives should be submissive to their husbands. He was not filibustered. He was confirmed.

Each of these judicial nominees stated under oath in testimony before the Senate Judiciary Committee that they could set aside their personal beliefs and would interpret the law consistent with the Constitution and Supreme Court precedent. They were confirmed. Nina Pillard testified under the same oath that, ''A judge's opinions and views should have no role in interpreting the Constitution.'' Are we to believe that only judicial nominees who do not support a woman's access to abortion services are able to set aside their personal views to be fair and impartial judges? I cannot help but notice the glaring double standard that is imposed on Nina Pillard.

On the issue of religious liberty, Senate Republicans continue to misrepresent comments Ms. Pillard made about the possible outcome of a Supreme Court case to suggest she is hostile to religious freedom. In a 2011 briefing to educate the press on legal issues in Hosanna Tabor v. EEOC, she described the issue in the case, identified what was difficult about it, and offered a prediction of how the Court might resolve it. Her prediction turned out to be wrong.

If Senators, who have also sworn to uphold the Constitution, were held accountable every time they incorrectly predicted the outcome of a Supreme Court case, I am not sure how many of us would be left. Ultimately, she has testified that if confirmed she would uphold the Supreme Court's precedent on the issue.

The suggestion that Ms. Pillard will be ''the most left-wing judge in the history'' is simply outlandish hyperbole, as demonstrated by the bipartisan support she has received. Viet Dinh, the former Assistant Attorney General for the Office of Legal Policy under President George W. Bush, wrote in a letter of support for her nomination that ''Based on our long and varied professional experience together, I know that Professor Pillard is exceptionally bright, a patient and unbiased listener, and a lawyer of great judgment and unquestioned integrity. . . Nina has always been fair, reasonable, and sensible in her judgments. . . She is a fair-minded thinker with enormous respect for the law and for the limited, and essential, role of the federal appellate judge—qualities that make her well prepared to take on the work of a D.C. Federal Judge.''

Former FBI Director and Chief Judge of the Western District of Texas William Sessions has written that her ''rare combination of experience, both defending and advising government officials, and representing individuals seeking to vindicate their rights, would be especially valuable in informing her responsibilities as a judge.''

Nina Pillard has also received letters of support from 30 former members of the U.S. Armed Forces, including 8 retired generals; 25 former Federal prosecutors and other law enforcement officials; 40 Supreme Court practitioners, including Laurence Tribe and Carter Phillips, among many others.

Despite having filled nearly half of law school classrooms for the last 20 years, women are grossly underrepresented on our Federal courts. We need women on the Federal bench. A vote to end this filibuster is a vote to break yet another barrier and move in the historic direction of having our Federal appellate courts more accurately reflect the gender balance of the country.

I commend President Obama on his nominations of highly qualified women like Nina Pillard, Patricia Millett, Elena Kagan and Sonia Sotomayor. In each of these women, the Senate has had the opportunity to vote to confirm women practicing at the pinnacle of the legal profession. Once the Senate confirmed Justice Kagan, the highest court in the land had more women than ever before serving on its bench. With the confirmation and appointment of Nina Pillard, the same will be true for what many consider to be the second highest court in the land, the DC Circuit because she will be the fifth active female judge on the court. Never before have five women jurists actively served on that court at one time. I look forward to that moment and to further increasing the diversity of our Federal bench.

I urge my colleagues to vote to confirm this outstanding nominee. This Nation would be better off for Nina Pillard serving as a judge on the DC Circuit.

Today, the Senate will also vote on the nominations of Elizabeth A. Wolford, of New York, to be U.S. District Judge for the Western District of New York; Landya B. McCafferty, of New Hampshire, to be U.S. District Judge for the District of New Hampshire; Brian Morris, of Montana, to be U.S. District Judge for the District of Montana; and Susan P. Watters, of Montana, to be U.S. District Judge for the District of Montana.

Senate Republicans have continued to abuse the filibuster and required cloture to confirm all four of these non-controversial district court nominees. All four of these nominees were reported unanimously by voice vote from the Senate Judiciary Committee. They all have the support of their home State senators. With the filibuster of these four district court nominees, Senate Republicans have now filibustered 24 of President Obama's district court nominees. Not a single district court nominee was filibustered under President Bush's 8 years in office. I hope Senate Republicans come around so that we can work together to meet the needs of our Federal judiciary so that the American people can have the justice system they deserve.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. To change the rules our friends on the left had to break the rules. We are here tonight because the Obama administration and our friends on the left needed a distraction by invoking the nuclear option leading up to the vote on Nina Pillard of the DC Circuit. They are attempting to quiet a disaster of their own making.

Please note that this is a court that will hear the ACA disputes. It was easy enough for them to paint a rosy picture of life after ObamaCare. For 3 years they did it, and they did their best to do so, but words could only go so far and no speech will help the failed implementation of the monster they have created.

Health care premiums for the average American family have already gone up by $2,500 since ObamaCare has become law. I wish to say that one more time. The average premium that an American family will have to face and then pay is $2,500.

As costs continue to rise for middle-class Americans, the median household income has dropped by more than $3,600 under President Obama. If we take $2,500 and add in the drop of income of $3,600, the difference for the average American household under President Obama's watch is significant. That doesn't even take into consideration the skyrocketing costs and the increasing deductibles under ObamaCare.

According to the Wall Street Journal, the average individual deductible for what is called a Bronze plan on the exchange, the lowest-priced coverage is a $5,000 average deductible. This is 42 percent higher than the average deductible today of $3,589 one would currently purchase in 2013.

Tell me how this helps those in need. How does this help the most vulnerable in our society? The answer is simple. It doesn't.

We are here because Democrats need a break from having this pointed out to them again and again as newspapers, magazines, and TV stations have been doing for the last several weeks.

In South Carolina we have about 4.7 million people and 600,000 or 700,000 folks do not have health insurance coverage. Think about that. There are 4.7 million South Carolinians, of which about 700,000 today do not have health insurance.

Under ObamaCare, we would hope that the number would go down, not up, that it would go down from 700,000 to 600,000 or 500,000 or 400,000. Over 430,000 of the 700,000 people are eligible for ObamaCare. The number is not going down. The number is going up because 150,000 South Carolinians have received cancellation notices.

Let us frame that a little bit. We have 700,000 uninsured, of which 430,000 are eligible for ObamaCare. Instead of seeing the number of uninsured go from 700,000 down to 600,000 or 500,000 or 400,000, we have seen the number go up because 150,000 people have received cancellation notices—150,000 South Carolinians have received cancellation notices.

Someone would obviously ask the question: How many folks have signed up for ObamaCare in South Carolina?

If 430,000 South Carolinians are eligible to sign up, we ought to answer the question of how many have signed up.

As of late November, only 600 South Carolinians have successfully signed up for ObamaCare. This means that under the implementation process of what some consider the solution to America's woes on health insurance, only 600 South Carolinians have been able to successfully sign up for ObamaCare, even though 430,000 are eligible and 700,00 do not have insurance. Only 600 of them have been able to sign up for ObamaCare.

When we think about those numbers, it reminds me of the challenges we face with going through the process of seeing the DC Circuit Court stacked to hear the disputes.

Part of the challenge we see is that ObamaCare hasn't worked, so stacking the court seems that it is the most likely option for our friends on the left.

When we started out having these conversations about ObamaCare, we started a conversation about those who are uninsured. I think every American in our country wants to see greater access to health insurance.

The vast majority of Americans do not want to see the government take it over, and now we understand why. In 2009—not 1999, but 2009—we had estimated for the unaffordable care act around $900 billion. In 2011 they came back and said: Wait, wait, I need to take another look at this.

The estimate came back at $1.8 trillion. In 2009, it was $900 billion and in 2011 the number had already increased to $1.8 trillion or a 100-percent increase in the estimated cost of the Affordable Care Act.

Only 2 more years later we could see that the number could perhaps eclipse $3 trillion. All we are talking about is the up-front pricetag, the price of ObamaCare on the front. We haven't delved into the actual cost of ObamaCare because those estimates say that on the back end of the Affordable Care Act we are going to see a $7 trillion increase or addition to our debt.

We started in 2009 with $900 billion; in 2011, $1.8 trillion; in 2013, perhaps over $3 trillion, adding $7 trillion to the deficit. That is not the whole picture.

Families in South Carolina still have to struggle with finding access to affordable health care, and ObamaCare is not simply providing the access. We see families such as the Hucks, the everyday American family. Mr. Hucks loves his family. He is in Greenville, SC. He loves his family. He spends 12 to 14 hours a day working as a financial adviser in South Carolina.

Mr. Hucks, unfortunately, faces the challenge of buying health insurance through ObamaCare. As he went through the process of trying to figure out what would happen—certainly he liked his coverage, but, of course, he can't keep it, period. He can't keep it. He cannot keep his coverage.

As I was talking to Jason Hucks in Greenville 2 weeks ago, Jason currently has a Blue Cross Blue Shield high-deductible plan. Remember the word ''deductible'' because we will come back and have a conversation about deductibles. He has a high-deductible plan that covers him, his wife, and their two cute little boys.

Instead of having a conversation between Mr. and Mrs. Hucks about planning for the college education of those two fine young men, they are having instead a conversation about whether they can afford the health care coverage.

What has happened? Let us take a look. Their current plan was a $10,000 deductible that cost them over $415 a month.

To stay on the Blue Cross Blue Shield plan under ObamaCare, Mr. Hucks and his family would have to pay nearly $1,000 a month—$895—almost $1,000 a month, more than doubling the premium. They will see their deductible increase by 150 percent.

A deductible that was $10,000 is pretty high, significantly high. It will go to $25,000 for this young family of four. That doesn't seem right to me; it doesn't seem fair.

We believe in fairness. For those who are most vulnerable, having access to $25,000 before their health insurance company is able to start paying is quite a high price to pay. Digging into your savings account for $25,000—because ObamaCare takes their $10,000 deductible, and not the $15,000, not the $20,000, but the $25,000—is simply not fair. This is not how we treat the most vulnerable in our society, by seeing their deductible go up by 150 percent. I simply don't understand. It is just wrong. It is not right.

Even if they were willing to switch companies, he would still see his rates rise almost 75 percent and his deductible would still rise from $10,000 to $12,000. No wonder they are trying to stack the DC courts. We see here a young family not planning for a 529 plan, not planning to send their kids to Clinton University or the University of South Carolina, but instead they are planning on tightening their belts because they have to have a budget that plans for not a $10,000 deductible but a $12,000 deductible, with a 20-percent increase in the deductible and a 75-percent increase in the cost. This is the effect of the Affordable Care Act. It becomes unaffordable for the average American family.

As for a plan with copays, Mr. Hucks says flatly that he can't afford to have a conversation about copays because a plan with a copay would skyrocket his premiums from $415 or so to as high as $1,200 or $1,500 a month. So instead of being able to go see a doctor and have a conversation and pay a 20-percent copay, instead of having the opportunity to do what many of us have been doing for the last decade-plus—pay a $15 or $20 or $25 or $30 copay when you go see your doctor—he has to first satisfy a deductible of not $15,000 but now a $25,000 deductible. This is higher than $15,000. This is wrong. It is not right.

Mr. Hucks' family is an example of how it is not just premiums that are

rising but deductibles are going through the roof. This is painful for a family who should be planning for college but instead is planning to spend more money on their health care because the Affordable Care Act is so unaffordable.

The New York Times recently quoted someone faced with this problem as saying the deductibles were so high—$4,000 to $6,000 a year—that it very much defeats the purpose of having insurance. I wonder why we say that. Well, think about it for a minute or two. Think about a family who has a $4,000 deductible. What does that mean to the average family, where Americans are spending over 100 percent of their income? What that means to the average family is they have to figure out how to pay $4,000 for visiting their doctors, getting their x rays, and having everything done at the doctor's office, getting their blood work done, before they can satisfy that $4,000 deductible and their health insurance plan starts paying. Under ObamaCare, one would think that number would go down, but it doesn't. It goes up. As a matter of fact, it goes up quickly in the first year of ObamaCare. It goes from an average out-of-pocket expense of $63.50 to over $12,000—not $4,000, not $5,000, not $6,000 but over $12,000 in out-of-pocket expenses.

So I am looking forward to the day we have a serious conversation about a free market solution that would reduce the cost of health insurance and at the exact same time create greater access for the average person in America to afford a free market health insurance policy. That is where we need to go. That is where the conversation should be. Instead of having that conversation, we are having a conversation about deductibles jumping $5,000, out-of-pocket expenses going up significantly. And I should have said that when you combine the out-of-pocket expenses and the deductibles, the out-of-pocket total for a year is the $12,000. The average deductible is a little over $5,000.

We are talking about a significant taking from the average American family—taking their money out of their pockets in the form of deductibles, taking money out of their pockets in the form of copays. And God forbid they actually go outside of the network. In many of these plans, we are talking about zero coverage out of network for ambulatory care. A family would bear 100 percent of the cost. So don't travel to the wrong place with the wrong plan at the wrong time. You will find yourself stuck without benefits because, unfortunately, the ACA isn't affordable for most Americans. I find that sad.

We think we are having a conversation about nominees here today, and we think we are having a conversation about nominees because President Obama has somehow, some way been treated differently than President Bush and other folks. But the facts are simply inconsistent with the reality of the alternate universe that has been created by the left.

The PRESIDING OFFICER. All postcloture time has expired.

The majority leader.

Mr. REID. Mr. President, we are going to have a confirmation vote on Cornelia Pillard. That will be the first vote. Then we are going to have—I don't believe there will be a need for a rollcall vote on the quorum. I think there will be enough Senators here that the Chair will be able to see clearly there are 51 Senators here. Then we will have a cloture on Executive Calendar No. 378, Chai Rachel Feldblum of the District of Columbia to be a member of the Equal Employment Opportunity Commission. Then, Mr. President, the next vote will be tomorrow morning at 9 a.m. This morning, yes; I am sorry.

We are going to do everything we can to finish our schedule before Christmas, but it is going to be pushing it. We will do our best. But this session doesn't end until the end of the year, so we are going to continue working until we get our work done. I am not going to yield back all of our time on all of our nominations. We are going to do those piece by piece.

I hope the body has been able to understand what a waste of time this has been, but we are going to confirm these nominations, and that is a step in the right direction.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Cornelia T.L. Pillard, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

Mr. COATS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Illinois (Mr. KIRK), and the Senator from Kansas (Mr. MORAN).

The result was announced—yeas 51, nays 44, as follows:

[Rollcall Vote No. 256 Ex.]

YEAS—51

Baldwin
Baucus
Begich
Bennet
Blumenthal
Booker
Boxer
Brown
Cantwell
Cardin
Casey
Coons
Durbin
Feinstein
Franken
Gillibrand
Hagan
Harkin
Heinrich
Heitkamp
Hirono
Johnson (SD)
Kaine
King
Klobuchar
Landrieu
Leahy
Levin
Markey
McCaskill
Menendez
Merkley
Mikulski
Murphy
Murray
Nelson
Reed
Reid
Rockefeller
Sanders
Schatz
Schumer
Shaheen
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Warren
Whitehouse
Wyden

NAYS—44

Alexander
Ayotte
Barrasso
Blunt
Boozman
Burr
Coats
Cochran
Collins
Corker
Cornyn
Crapo
Cruz
Donnelly
Enzi
Fischer
Flake
Graham
Grassley
Hatch
Heller
Hoeven
Inhofe
Isakson
Johanns
Johnson (WI)
Lee
Manchin
McCain
McConnell
Murkowski
Paul
Portman
Pryor
Risch
Roberts
Rubio
Scott
Sessions
Shelby
Thune
Toomey
Vitter
Wicker

NOT VOTING—5

Carper
Chambliss
Coburn
Kirk
Moran

The nomination was confirmed.

MESSAGE FROM THE HOUSE

At 4:23 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1402. An act to amend title 38, United States Code, to extend certain expiring provisions of law, and for other purposes.

H.R. 3521. An act to authorize Department of Veterans Affairs major medical facility leases, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1797. A bill to provide for the extension of certain unemployment benefits, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted on December 11, 2013:

By Mr. CARPER for the Committee on Homeland Security and Governmental Affairs.

*Alejandro Nicholas Mayorkas, of the District of Columbia, to be Deputy Secretary of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COONS (for himself, Mr. BLUNT, Mr. SESSIONS, and Ms. HIRONO):

S. 1799. A bill to reauthorize subtitle A of the Victims of Child Abuse Act of 1990; to the Committee on the Judiciary.