

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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