

higher premium so someone else pays less. No. Democrats in Congress and the White House tried to say young people were going to pay lower prices, but now we are seeing it was never true.

The premium increases are also going to be worse if you do not get insurance through your employer. That is because you may end up in the individual market. A recent Gallup poll found that fewer people are getting their insurance through work. Just since 2008, the number has dropped significantly. Among people between the ages of 18 and 25 years old, only 32 percent now get their health insurance through work.

Healthier people—people who take the time to focus on staying healthy—are actually going to pay more too. Even if you eat a good diet, you exercise, you do the things people would be encouraged to do so they do not get sick, you are going to pay more under the President's health care law.

According to a new survey of insurance companies, younger and healthier customers can expect premium increases of 169 percent, on average, in 2014. That is in the individual market, that more people will find themselves forced into as their employers drop coverage.

The Congressional Budget Office says that even when you take into account the subsidies some of these people will get under the law, premiums will still go up an average of 10 to 13 percent even after the subsidies are applied.

If that happens, a family buying coverage on its own may end up paying \$2,100 a year more because of the health care law. You might ask yourself, why are the premiums going up so fast? It is because of the law's new requirements.

For one thing, there is something called the essential health benefits. We just got new rules on these from the administration. Those are the specific mandates that require insurance plans to cover a wide range of services. For most consumers it is going to mean a more extensive and longer list of benefits. That might sound good, but they may be for things the consumers do not want. It does not matter. Under the law, the consumers have to pay for them. It is still higher costs—much higher costs. People cannot just get the insurance they and their family want, that is right for them, and they can afford. No, that is not enough. They must buy Obama administration-approved health insurance. That is what they have to buy. That is what the law says, and it is going to be much more expensive than what they might want, they might need or they can afford and think is good for them.

Families are going to have to pay for insurance that covers the whole laundry list of benefits, whether they want them or not. Why should the government—Washington—tell a single 33-year-old man he has to pay for ovarian cancer screening? Why should someone

without children have to pay for a plan that covers pediatric eye exams? Even the American Academy of Ophthalmology has said that requirement goes too far. They are worried that once insurance has to cover it, there will be overuse of comprehensive eye exams on children who do not even need them. Of course, that may happen. If it is covered by insurance, people are going to want more of it. That drives up health care costs, and health insurance costs go up even more.

To make matters worse, the law requires the Secretary of Health and Human Services to update the list of these benefits every year. These are the benefits you still may not want—certainly do not want to be forced to pay for—but you are stuck with them now. We all know this list is not going to get any shorter. It is going to grow longer, and the costs are going to continue to go up.

That is what has happened at the State level. Health insurance mandates in some States now include everything from circumcisions to breast implant removal, and mandates add anywhere from 10 to 50 percent to the cost of insurance.

It is no way to run a health care program. Consumers should decide what benefits they want, what benefits they think they may need, not Washington bureaucrats.

Finally, I will give just one more example of how the new rules will drive up premiums. This has to do with new age rating rules in the law. The age rating limits the amount premiums can vary between healthy younger individuals and unhealthy older consumers. This is the most direct way Democrats are taxing the young to pay for everyone else.

Under the President's health care law, the premium charged to a sicker older person cannot be more than three times what a healthy 21-year-old has to pay. So those younger people are going to end up paying more. Rather than pay the higher cost, many younger people will just not purchase insurance at all. They will just pay the law's tax penalty instead. That is because it is still cheaper than the insurance premiums that have been driven up due to the President's health care law. That means premiums will go up even faster for the people left in the insurance pool, and the whole thing will keep spiraling out of control.

The White House says it will not budge on these age-rating rules. So people in their twenties and thirties and early forties should just prepare themselves now for the premium hikes they are going to see under the President's health care law.

Those are just a few of the new rules and just a few of the ways the health care law continues to raise costs and raise premiums for hard-working Americans. It seems to me the President is still in his campaign mode, so he will not admit it, but he is not fooling anybody.

I recently completed a statewide tour of Wyoming. I visited a dozen towns across the State and met with hundreds of people. I can tell you, in those meetings, people still say the health care law is unworkable, it is unaffordable, and it remains very unpopular.

The people of Wyoming, as did people across the country, knew what they wanted from health care reform. They wanted the care they need, from a doctor they choose, at lower costs. What they got were higher premiums, higher taxes, and more government control over their personal health care decisions.

When the new rules were released 1 week ago, HHS Secretary Kathleen Sebelius said: "Being sick will no longer keep you, your family, or your employees from being able to get affordable health coverage."

What she should have added was: The President's own health care law will be the thing that keeps people from getting affordable coverage.

The law that was passed was the wrong solution and the wrong way to reform our health care in this country. Hard-working American families cannot afford it, and they deserve better.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. KING). The Senator from Florida.

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

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

(The remarks of Mr. NELSON pertaining to the introduction of S. 436 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. NELSON. 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.

Mr. LEAHY. Mr. President, I ask unanimous consent that 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 PAMELA KI MAI CHEN TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

NOMINATION OF KATHERINE POLK FAILLA TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations which the clerk will report.

The legislative clerk read the nominations of Pamela Ki Mai Chen, of New York, to be United States District Judge for the Eastern District of New York, and Katherine Polk Failla, of New York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes for debate equally divided in the usual form.

Mr. LEAHY. Mr. President, last week, Congress failed to act to avoid indiscriminate across-the-board cuts from sequestration. These automatic cuts are in the tens of billions of dollars at a time when our economy is finally recovering but remains fragile. Among those who will have to endure these cuts are the overburdened Federal courts already suffering from longstanding vacancies that number almost 90 and have remained near or above 80 for almost 4 years. Budgetary cuts will mean more difficulty for the American people to get speedy justice from our Federal justice system.

Two senior district judges, one appointed by President Reagan and one appointed by President Clinton, wrote last week in U.S. News and World Report that sequestration will “devastate the judicial branch.” They wrote: “[C]ourts may need to close periodically, furlough employees, and cut security, thereby, delaying proceedings. These realities, combined with a reduction in supervision of persons on bond and convicted felons who are released from prison, compromise public safety.” They conclude: “[Our Federal courts provide access to justice, protect against abuses of power, and defend the Constitution. Failure to avert sequestration by March 1 undermines the ability of the Federal courts to fulfill this Constitutional mandate.” I ask unanimous consent that this article be printed in the RECORD at the conclusion of my statement.

As we hear these warnings from judges and other officials across our three branches of Government, I hope Senators understand that sequestration is bad for the courts, bad for the economy, and bad for the American people.

Over the past 4 years, unprecedented obstruction by Senate Republicans has

meant that all judicial nominees have become wrapped around the axle of partisanship. Senators from both sides of the aisle used to agree that Federal courts are supposed to be impartial and outside of politics. Yet, the actions of Senate Republicans over the last 4 years have undermined that principle of our constitutional system and hurt the integrity of the judiciary. I hear this from judges appointed by Republican Presidents and those appointed by Democratic Presidents. They say the unprecedented delays that nominees face politicize the courts and destroy the appearance of impartiality the Federal courts need. Supreme Court Justice Anthony Kennedy said last year that this extreme partisanship erodes the public’s confidence in our courts and “makes the judiciary look politicized when it is not, and it has to stop.”

This obstruction has also contributed to keeping judicial vacancies at a damagingly high level for over 4 years. Persistent vacancies mean that fewer judges have to take on growing case-loads and make it harder for Americans to have access to speedy justice. There are today 89 judicial vacancies across the country. By way of contrast, that is more than double the number of vacancies that existed at this point in the Bush administration.

Senate Republicans chose to depart dramatically from well-established Senate practices from the moment President Obama took office in their efforts to delay and obstruct his judicial nominations.

Until 2009, judicial nominees reported by the Judiciary Committee with bipartisan support were generally confirmed quickly. Until 2009, we observed regular order, we usually confirmed nominees promptly, and we cleared the Senate Executive Calendar before long recesses. Until 2009, if a nominee was filibustered, it was almost always because of a substantive issue with the nominee’s record. We know what has happened since 2009. The average district court nominee has been stalled 4.3 times longer and the average circuit court nominee has been stalled 7.3 times as long as it took to confirm them during the Bush administration. No other President’s judicial nominees had to wait an average of over 100 days for a Senate vote after being reported by the Judiciary Committee.

Some Republicans have ignored the facts I just cited even though they came from the nonpartisan Congressional Research Service (CRS). No invented statistic can change the fact that no president’s nominees have ever waited as long for a vote as President Obama’s.

Senate Republicans have also claimed that President Bush had only 74 percent of his nominees confirmed during his first term. This is also not true. President Bush nominated 231 men and women to serve as circuit and district judges; of them, 205 were confirmed. That is a confirmation rate of

89 percent. During President Obama’s first term, only 173 district and circuit judges were confirmed, and a much lower percentage. Contrary to the claims of Senate Republicans the Senate has confirmed far fewer of President Obama’s nominees and confirmed them at a significantly lower rate at the same points in his and President Bush’s administrations. Senate Republicans talk about how much progress we made during the 112th Congress, when we confirmed 113 of President Obama’s circuit and district nominees. But they ignore the fact that 19 of those nominees could and should have been confirmed during the 111th Congress, and the fact that the 60 confirmations they allowed in the 111th Congress was the lowest total for a new president in over 30 years. They ignore the fact that in President Obama’s first year in office they allowed just 12 of his circuit and district nominees to be confirmed, which, according to CRS, was the lowest one-year confirmation total since the Eisenhower administration when the Federal bench was barely one-third the size it is today. We have yet to make up the ground we lost during those first 2 years. Looking only at the confirmation total from last Congress while ignoring the historic obstruction of nominations that preceded it and the backlog that was created provides an incomplete and misleading picture.

There can be no question about the effect of the unprecedented effort by Senate Republicans to obstruct President Obama’s judicial nominations. Despite bipartisan calls to address longstanding judicial vacancies, the delays and obstruction of judicial confirmations have led to judicial vacancies to the remaining near or above 80 for almost 4 years.

During the vote on Judge Bacharach last week, some Senators defending the filibuster that blocked his confirmation for 7 months claimed that it was just the usual Senate practice in a presidential election year. During the filibuster last year of Judge Bacharach, there was not even a pretense of any substantive concern—Senate Republicans just decided to shut down the confirmation process and contorted the “Thurmond Rule.” But personal attacks on me, trying to repackage their own actions as if following the Thurmond Rule, do not change the facts. The fact is that in the past six presidential election years, Senate Democrats have never denied an up-or-down vote to a consensus circuit nominee; Senate Republicans cannot say that. Until last year, no circuit nominee with bipartisan Judiciary Committee support had ever been successfully filibustered. Senators claiming to be upholding Senate tradition while engaging in a filibuster that had no precedent in Senate history are not supported by the facts.

After last year’s filibuster, Judge Bacharach waited another 7 months before being allowed a vote on the merits.