RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HOMEOWNER FLOOD INSURANCE AFFORDABILITY ACT OF 2014

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1926, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to S. 1926, a bill to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012 and to reform the National Association of Registered Agents and Brokers, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back and the motion to proceed is agreed to.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1926) to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012 and to reform the National Association of Registered Agents and Brokers, and for other purposes.

AMENDMENTS NOS. 2702, 2704, 2705, AND 2698

The PRESIDING OFFICER. Under the previous order, Amendments Nos. 2702, 2704, 2705, and 2698 are considered proposed and agreed to.

The amendments are as follows:

AMENDMENT NO. 2702

(Purpose: To exempt certain loans from the escrow requirement under section 102(d)(1) of the Flood Disaster Protection Act of 1973)

At the end of title I, add the following:

SEC. 1___. EXCEPTIONS TO ESCROW REQUIREMENT FOR FLOOD INSURANCE PAYMENTS.

(a) IN GENERAL.—Section 102(d)(1) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)) is amended—

(1) in subparagraph (A), in the second sentence, by striking ''subparagraph (C)'' and inserting ''subparagraph (B)''; and

(2) in subparagraph (B)—

(A) in clause (ii), by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and adjusting the margins accordingly;

(B) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and adjusting the margins accordingly;

(C) in the matter preceding subclause (I), as redesignated by subparagraph (B), by striking ''(A) or (B), if—'' and inserting the following: ''(A)—

''(i) if—'';

(D) by striking the period at the end and inserting ''; or''; and

(E) by adding at the end the following

''(ii) in the case of a loan that—

''(I) is in a junior or subordinate position to a senior lien secured by the same residential improved real estate or mobile home for which flood insurance is being provided at the time of the origination of the loan;

''(II) is secured by residential improved real estate or a mobile home that is part of a condominium, cooperative, or other project development, if the residential improved real estate or mobile home is covered by a flood insurance policy that—

''(aa) meets the requirements that the regulated lending institution is required to enforce under subsection (b)(1);

''(bb) is provided by the condominium association, cooperative, homeowners association, or other applicable group; and

''(cc) the premium for which is paid by the condominium association, cooperative, homeowners association, or other applicable group as a common expense;

''(III) is secured by residential improved real estate or a mobile home that is used as collateral for a business purpose;

''(IV) is a home equity line of credit;

''(V) is a nonperforming loan; or

''(VI) has a term of not longer than 12 months.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—

(A) REQUIRED APPLICATION.—The amendments to section 102(d)(1) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)) made by section 100209(a) of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 920) and by subsection (a) of this section shall apply to any loan that is originated, refinanced, increased, extended, or renewed on or after January 1, 2016.

(B) OPTIONAL APPLICATION.—

(i) DEFINITIONS.—In this subparagraph—

(I) the terms ''Federal entity for lending regulation'', ''improved real estate'', ''regulated lending institution'', and ''servicer'' have the meanings given the terms in section 3 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003);

(II) the term ''outstanding loan'' means a loan that—

(aa) is outstanding as of January 1, 2016;

(bb) is not subject to the requirement to escrow premiums and fees for flood insurance under section 102(d)(1) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)) as in effect on July 5, 2012; and

(cc) would, if the loan had been originated, refinanced, increased, extended, or renewed on or after January 1, 2016, be subject to the requirements under section 102(d)(1)(A) of the Flood Disaster Protection Act of 1973, as amended; and

(III) the term ''section 102(d)(1)(A) of the Flood Disaster Protection Act of 1973, as amended'' means section 102(d)(1)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)(A)), as amended by—

(aa) section 100209(a) of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 920); and

(bb) subsection (a) of this section.

(ii) OPTION TO ESCROW FLOOD INSURANCE PAYMENTS.—Each Federal entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, direct that each regulated lending institution or servicer of an outstanding loan shall offer and make available to a borrower the option to have the borrower's payment of premiums and fees for flood insurance under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), including the escrow of such payments, be treated in the same manner provided under section 102(d)(1)(A) of the Flood Disaster Protection Act of 1973, as amended.

(2) REPEAL OF 2-YEAR DELAY ON APPLICABILITY.—Subsection (b) of section 100209 of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 920) is repealed.

(3) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to supersede, during the period beginning on July 6, 2012 and ending on December 31, 2015, the requirements under section 102(d)(1) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)), as in effect on July 5, 2012.

AMENDMENT NO. 2704

(Purpose: To require the Administrator of the Federal Emergency Management Agency to make publicly available data that provide the basis for risk premium rates for flood insurance, to allow monthly installment payments for premiums, and to ensure that mitigation activities completed by an owner or lessee of real property are accounted for when determining risk premium rates for flood insurance)

At the end of section 103, add the following:

(h) DISCLOSURE.—

(1) CHANGE IN RATES UNDER BIGGERT-WATERS.—Not later than the date that is 6 months before the date on which any change in risk premium rates for flood insurance coverage under the National Flood Insurance Program resulting from the amendment made by section 100207 of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 919) is implemented, the Administrator shall make publicly available the rate tables and underwriting guidelines that provide the basis for the change.

(2) CHANGE IN RATES UNDER THIS ACT.—Not later than the date that is 6 months before the date on which any change in risk premium rates for flood insurance coverage under the National Flood Insurance Program resulting from this Act or any amendment made by this Act is implemented, the Administrator shall make publicly available the rate tables and underwriting guidelines that provide the basis for the change.

(3) REPORT ON POLICY AND CLAIMS DATA.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the feasibility of—

(i) releasing property-level policy and claims data for flood insurance coverage under the National Flood Insurance Program; and

(ii) establishing guidelines for releasing property-level policy and claims data for flood insurance coverage under the National Flood Insurance Program in accordance with section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'').

(B) CONTENTS.—The report submitted under subparagraph (A) shall include—

(i) an analysis and assessment of how releasing property-level policy and claims data for flood insurance coverage under the National Flood Insurance Program will aid policy holders and insurers to understand how the Administration determines actuarial premium rates and assesses flood risks; and

(ii) recommendations for protecting personal information in accordance with section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'').

At the end of title I, add the following:

SEC. 110. MONTHLY INSTALLMENT PAYMENTS FOR PREMIUMS.

Section 1308(g) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(g)) is amended by striking ''either annually or in more frequent installments'' and inserting ''annually, monthly, or in other installments that are more frequent than annually''.

SEC. 111. ACCOUNTING FOR FLOOD MITIGATION ACTIVITIES IN ESTIMATES OF PREMIUM RATES.

Section 1307(a)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(1)) is amended by amending subparagraph (A) to read as follows:

''(A) based on consideration of—

''(i) the risk involved and accepted actuarial principles; and

''(ii) the flood mitigation activities that an owner or lessee has undertaken on a property, including differences in the risk involved due to land use measures, floodproofing, flood forecasting, and similar measures,''.

AMENDMENT NO. 2705

(Purpose: To clarify that communities that successfully appeal flood elevation determinations based on errors by the Federal Emergency Management Agency through the Scientific Resolution Panel are eligible for reimbursements for expenses incurred in such appeals)

In section 106, strike subsection (a) and insert the following:

(a) IN GENERAL.—Section 1363(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(f)) is amended—

(1) in the first sentence, by inserting after ''as the case may be,'' the following: ''or, in the case of an appeal that is resolved by submission of conflicting data to the Scientific Resolution Panel provided for in section 1363A, the community,''; and

(2) by striking the second sentence and inserting the following: ''The Administrator may use such amounts from the National Flood Insurance Fund established under section 1310 as may be necessary to carry out this subsection.''.

AMENDMENT NO. 2698

(Purpose: To increase the amount of substantial improvement to a property that triggers the loss of flood insurance subsidies)

At the end of title I, add the following:

SEC. 1___. HOME IMPROVEMENT FAIRNESS.

Section 1307(a)(2)(E)(ii) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(2)(E)(ii)) is amended by striking ''30 percent'' and inserting ''50 percent''.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 2708

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent to call up my amendment No. 2708 and ask for its consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. GILLIBRAND] proposes an amendment numbered 2708.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Administrator of the Federal Emergency Management Agency to issue guidelines for methods, other than building elevation, that owners of certain urban residential buildings may implement to mitigate against flood risk)

At the end of title I, add the following:

SEC. 1___. FLOOD MITIGATION METHODS FOR URBAN BUILDINGS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue guidelines for property owners that—

(1) provide alternative methods of mitigation, other than building elevation, to reduce flood risk to urban residential buildings that cannot be elevated due to their structural characteristics, including—

(A) types of building materials; and

(B) types of floodproofing; and

(2) inform property owners about how the implementation of mitigation methods described in paragraph (1) may affect risk premium rates for flood insurance coverage under the National Flood Insurance Program.

(b) CALCULATION OF RISK PREMIUM RATES.—In calculating the risk premium rate charged for flood insurance for a property under section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), the Administrator shall take into account the implementation of any mitigation method identified by the Administrator in the guidance issued under subsection (a) of this section.

Mrs. GILLIBRAND. Mr. President, I first wish to thank Senator MENENDEZ, Senator LANDRIEU, and Senator ISAKSON for their tremendous leadership on the Homeowner Flood Insurance Affordability Act, of which I am a very proud cosponsor, and for working with me and my staff on an amendment that is so critical to so many New Yorkers who are still recovering from Superstorm Sandy.

My amendment is quite simple and common sense. It is aimed to help homeowners who are currently stuck in a bureaucratic ditch that is impossible for them to climb out of due to the immovable reality of the buildings in which they live.

Under today's FEMA policy, flood insurance premium rates are based on the elevation of the house relative to the base flood elevation, which is the elevation that FEMA calculates that floodwaters have a 1-percent chance of rising to in any given year.

Under normal circumstances, homes can be elevated to avoid high insurance rates that are assessed on homes that are built below the base flood elevation in special flood hazard areas, but in places such as New York and New Jersey this is impossible for owners of older urban homes, such as brownstones, row houses, and multifamily buildings, which can predate the Civil War, which in many instances cannot be raised due to structural characteristics and were built before flood maps were in place.

When their homes are mapped in a flood zone, they are simply left without any option to lower their flood insurance premiums, which can be as high as tens of thousands of dollars each year. To fix this, my amendment would require FEMA to provide a uniform set of guidance that provides FEMA-approved methods of mitigation for homeowners who simply cannot elevate their homes. This amendment would require FEMA to look at whether a homeowner has implemented any of the prescribed alternatives and take that into consideration when calculating a home's flood insurance risk premium. By providing a clear set of mitigation alternatives to these homeowners, this amendment will help New Yorkers and homeowners across the country who cannot elevate their homes to reduce their flood risk. It will help homeowners prevent costly damage to their homes during the next storm or flood and save money and potential disaster recovery costs in the long term.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll

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

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

Mr. VITTER. Mr. President, I rise in strong support of the flood insurance fix bill on the floor today. I urge my colleagues on a bipartisan basis to come together and pass this first crucial step toward getting it right with the National Flood Insurance Program. It is important for America. It is important for millions upon millions of American homeowners, not just in Louisiana, not just in Florida, but in every State. Every State in the country is absolutely affected.

I also specifically urge my colleagues to defeat the Toomey amendment, which I think is very well intended but will not get the job done, and to waive the budget point of order, which is a largely technical point of order. I will explain each of those in turn.

First of all, I will explain the need for this bill to get things right. All of us came together over a year ago and passed the so-called Biggert-Waters Act, to reauthorize the National Flood Insurance Program and to reform it in important ways. We needed to do that broad-brush. The program needed to be continued, and not just in short-term fits and starts, which had been the pattern for many years. In fact, in 2010 it was so bad that we actually let the program lapse four different times by inaction, shutting down thousands upon thousands of real estate closings that we needed to build our economy, shutting those down every time. So we needed that reauthorization. We needed and still need reforms of the program. We need to build up the program to make it fiscally sustainable, to make sure that over time we get revenues, premiums coming in that cover the full cost of the program. There is no debate about that. That is why we passed that bill.

What was not foreseen was that in some significant number of cases, those reforms, once they were put into effect, would actually lead to completely unaffordable rate increases—a completely unsustainable path forward that would not even get us toward the goal of building up the fund and building up the program to make it fiscally sustainable. No expert predicted that beforehand. No one from FEMA said:

You will have some rates that are completely unaffordable. No outside insurance experts said that. But once the details of the reauthorization began to be put in place, that became very apparent. We do not know exactly how many cases we would have like this, but we know they are not just isolated cases. We know they are not just in coastal communities. They are in every State, to some extent or another, around the country. Over time, Members of both parties from every State have begun to understand that, which brings us together hopefully in a constructive way on the floor today.

Certainly, that situation is dire and the threat is very real in Louisiana. Months ago, for instance, I visited a neighborhood in St. Charles Parish, which is part of southeast Louisiana, right on the Mississippi River. I visited a very nice, solid middle-class neighborhood. I met with many homeowners there. They presented me with a box—a box this big, at least—full of keys, house keys. They were these folks' actual house keys. They were saying: If this is not fixed, if this is not done right in time, we are going to have to turn these keys in to the banks, to the government, to whomever, because we would face not only premium increases. We had all accepted premium increases as part of the reform and as part of the reauthorization, but these would be completely unaffordable, unsustainable increases—literally going to $12,000, $18,000 or $27,000 a year—not on a millionaire's home but on a modest middle-class home. That just doesn't work.

These folks were saying very sincerely, very directly: Here are my home keys because that is where this is headed.

That is not right on so many different levels. First and foremost, it is not right for those Americans who have lived by the rules every step of the way, who built to the right elevation when they built their home, who got the flood insurance required by law, required by prudence, and paid all of their premiums. They went through mitigation programs, if they could, to raise their homes in many cases.

These are folks who are not living right on the coast, who are not choosing highly dangerous areas, and who do not have second homes, beach homes. We are not talking about that at all. We are talking about a solid middle-class neighborhood way off the gulf coast.

These are people who followed the rules every step of the way who still failed the prospect of those completely unaffordable increases. That is not right, and it is not fair.

On a second level, that reality threatens whole communities and it threatens our economy because if that were allowed to happen in any significant number of cases, it would be an economic spiral downward. Banks would be burdened with foreclosures. Local businesses would be hurt significantly. Whole communities would be in an economic spiral downward.

We are not just talking about second homes on a beach. We are not talking about that at all in Louisiana. This bill does not give any relief regarding second homes, for instance. We are talking about a lot of communities and a real and unsustainable hit to our economy.

On a third and final level, that reality would ensure we don't even get to the goal of these reforms, which is to make the system whole and fiscally sustainable. To do that we need more folks in the National Flood Insurance Program, not folks leaving and turning in their keys. That will kill any effort to make the program solid fiscally and sustainable fiscally. So on every level we cannot allow this to happen.

The Menendez-Isakson bill, with the help of many other Members, including myself, was put together to get us to the right place. It takes the important first step to make sure we get it right, FEMA does the mapping correctly—which they are not doing in some cases now—and FEMA does the affordability study mandated in the original Biggert-Waters, but which FEMA has not even begun yet. We do all those things to get this right and avoid completely unaffordable rate increases.

I urge my colleagues on a bipartisan basis to support this good bill.

We also need your support in defeating the Toomey amendment and in waiving the budget point of order. Let me speak about those briefly.

Senator TOOMEY's amendment is very well intended, but it falls short, in my opinion. It limits any delay in rate increases to 2 years, and some rate increases continue for those 2 years. Most importantly, it doesn't mandate and ensure that FEMA ever gets through this affordability study, ever makes recommendations to Congress for the ultimate fix, and doesn't give us any time to react and legislate in that area. It doesn't ensure in any way that FEMA gets its mapping right based on true sound science and engineering methodologies.

That is just kicking the can down the road and not ensuring in any meaningful way that we are going to get it right. That simply isn't good enough.

We need to tie in any delay to figuring out the ultimate fix by having FEMA complete its affordability study, by making FEMA make recommendations to us, by giving us 6 months to act on those recommendations, by mandating that FEMA do its mapping correctly and not have rate increases before it rushes forward with incorrect mapping, which is going on right now in some cases.

That is what the underlying bill does. That is what the Toomey amendment does not do—as well intended as it is.

Secondly, there will be a budget point-of-order vote, and we do need 60 votes to waive that budget point of order. I will vote ''yes'' to waive it—as a strong fiscal conservative—because this is necessary to get this national flood insurance system right and to make it fiscally sustainable.

In fact, over the 10-year budget window that we normally use in scoring, this bill has no score over those 10 years. It only has some scores in some intermediate periods of time, which gives rise to the budget point of order.

I urge my colleagues to vote to waive that point of order, knowing there is no score over 10 years and also knowing that, quite frankly, the fiscal assumptions about the current law are enormously flawed. The notion that we are going to make the National Flood Insurance Program more stable and more fiscally sustainable by having a bunch of premiums go up to $27,000 a year on a modest middle-class home is crazy. That is not going to get us to a better place. That is going to get to us a worse place. That is going to shrink the program and have people leave the program—paying no premiums, not paying higher premiums.

Yet raising insurance premiums has to be part of the solution, but unaffordable premium increases aren't part of the solution because people can't afford to pay them. So they will pay zero instead of something substantial. They will leave the program instead of putting more homeowners and properties in the program, which is essential to get to a strong and stable fiscal situation.

Again, on a bipartisan basis, I urge my colleagues to support this bill—it is a very important step to stabilize and fix the situation—to defeat the Toomey amendment and to waive the budget point of order, which is absolutely necessary in this process to support a good bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. I thank the Senator from Louisiana for his input into the legislation, his work, and his advocacy. I agree with him on the other underlying statements that he made, particularly as it relates to the necessity for the legislation, as well as the opposition to the Toomey amendment.

I understand what Senator TOOMEY is trying to do, but I agree it doesn't meet the ultimate challenge. I agree as well on the budget point of order for the reason Senator VITTER says.

I thank the Senator for his support.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the time that takes place during any subsequent quorum calls—or the subsequent quorum call that I am going to ask

for—be equally divided on the Gillibrand amendment.

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

Mr. MENENDEZ. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTE TO HADIYA PENDLETON

Mr. DURBIN. Mr. President, I rise today to pay tribute to Hadiya Pendleton, lost to gunfire 1 year ago today, January 29, 2013. She was 15 years old. She was gunned down while she was standing with friends at a park in Chicago's South Side.

She was a very talented, caring girl with a bright future. She was a sophomore at King College Prep, an honor student, and a majorette in the school band. This is her photograph. Those who knew her talk about her warm heart, her big smile, and what a great friend she was to all of those around her.

A week before her death, Hadiya was in Washington, DC, performing with her school band for President Barack Obama's inaugural celebration. She was absolutely thrilled that as a high school student she could come out and perform for the President she loved.

Days afterwards she was gunned down, murdered by men who allegedly mistook Hadiya and her friends for members of a rival street gang. I join with those in Chicago and across America who mourn this grim anniversary and I extend my condolences to her family.

This last week or two—even longer now—it has been pretty cold in Chicago, bitter cold: snow, ice, with people not going outside much. But I wanted to make a trip Saturday morning to visit Hadiya's mom and dad on the occasion of this sad anniversary. Her mom Cleo, her father Nate, and her 11-year-old brother Nate, Jr., as well as the extended family, are mourning her loss.

We sat in their apartment Saturday morning and talked a little about her. We talked about what it meant, what the reaction had been. The parents were heartened that King College Prep had not forgotten their daughter, that today they were having a special observance and ceremony to remember her. It meant a lot to her mom and dad.

They have been here before my judiciary subcommittee when we discussed issues involving gun violence. They have been on television. They have made the rounds. But when you are there with them in their apartment, you know that after the cameras are gone and all the visitors are gone, it is still a sad remembrance of a beautiful young girl whose life was cut short.

No family should have to experience what they went through, but like so many families who have lost loved ones to sudden violence, the Pendletons have decided to dedicate themselves to turning their pain into purpose. They are working to reduce the scourge of gun violence so that other families can be spared. They have established the Hadiya Pendleton Foundation in Chicago to create a safe space for city youth and provide afterschool enrichment programs to help kids avoid the violence on the streets.

Incidentally, Hadiya was once featured in a public service announcement video where she said: It is your job as students to say no to gangs and yes to a great future. The foundation named after her will help other students reach that goal. I commend the family for their work on this foundation. I believe it will make a difference.

Hadiya's family, as I mentioned, traveled to Washington to talk about our laws and how to change them to avoid future violence. In particular, they have spoken out about the need to crack down on the gun supply to gang members. The current Federal laws on what we call straw purchasing and gun trafficking are an embarrassment. They are too weak. They need to be strengthened. I have joined with my colleague Senator MARK KIRK, my Republican colleague, in a bipartisan effort, and a number of our colleagues have joined us to introduce tough legislation to crack down on the straw purchasing and trafficking. We call this bill the ''Stop Illegal Trafficking in Firearms Act.'' MARK KIRK likes to call it the Hadiya Pendleton Act. We agreed to name that key section after her since we believe this legislation just might reduce the senseless gang shootings such as the one that took her life.

Straw purchasing, for any who don't understand it, is when a thug's girlfriend, who has no criminal record, goes to buy the gun and then hands it to him to commit a crime. He can't buy it. He couldn't walk in the store and buy it. He could never pass the background check, but she does. And when she passes it, she hands him the gun, and unfortunately violence and death can be the result.

Last April, our antitrafficking legislation got 58 votes on the floor of the Senate—58 votes—to stop the trafficking of guns into the hands of criminals. That was a few votes short of what we needed. We are close. Our job is to convince just two or three more Senators to join us.

The Pendleton family understands that even though this law seems so obvious, so reasonable, and can save the lives of innocent people, it is going to be hard to come by. There is a gun lobby here in this town. They are very powerful. Their allies will do everything they can to fight even the most popular commonsense reform, such as cracking down on illegal gun trafficking.

The gun lobby says we shouldn't pass any new gun laws and that we should just enforce the laws already on the books. Actually, the gun lobby is in court every day trying to strike down the laws already on the books. But the bottom line is the gun lobby always seems to oppose laws that might reduce gun sales. They just want volume—volume of firearms sold. If they had their way, no questions would be asked.

It is time to crack down on the sale of guns that end up in the hands of criminals and gang members. We need to push forward in Congress and statehouses and in the law enforcement community with strong efforts to cut off the supply of straw-purchased, illegally trafficked guns. The path may not be easy but it is the right path. And if we succeed, we will prevent crimes and save lives.

I want to commend the Pendleton family for the courage they have shown in the face of their tragic loss. I commend them for their efforts to try to spare other families. I hope lawmakers will reflect for one brief moment about this good family, who lost this great daughter and now has dedicated a big part of their lives to preventing shootings in the future. We owe Hadiya and her mom and dad and her memory our best efforts to make this a safer America.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2700

Mr. HELLER. Mr. President, I ask unanimous consent that the pending amendment be set aside and that I be allowed to call up amendment No. 2700.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. HELLER] proposes amendment numbered 2700.

Mr. HELLER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify that any private flood insurance policy accepted by a State shall satisfy the mandatory purchase requirement under the Flood Disaster Protection Act of 1973)

At the end of title I, add the following:

SEC. 1___. AUTHORITY OF STATES TO REGULATE PRIVATE FLOOD INSURANCE.

Section 102(b)(7) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)(7)) is amended to read as follows:

''(7) PRIVATE FLOOD INSURANCE DEFINED.—In this subsection, the term 'private flood insurance' means an insurance policy that—

''(A) provides flood insurance coverage;

''(B) is issued by an insurance company that is—

''(i) licensed, admitted, or otherwise approved to engage in the business of insurance in the State or jurisdiction in which the insured building is located, by the insurance regulator of that State or jurisdiction; or

''(ii) eligible as a nonadmitted insurer to provide insurance in the State or jurisdiction where the property to be insured is located, in accordance with section 524 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8204); and

''(C) is issued by an insurance company that is not otherwise disapproved as a surplus lines insurer by the insurance regulator of the State or jurisdiction where the property to be insured is located.''.

Mr. HELLER. Mr. President, I am here today to talk about the Heller-Lee amendment to the flood insurance legislation we are currently considering. One of my core beliefs is that in order for Americans to succeed, regardless of the issue, we need more choices, we need higher competition, and we also need less cost. So let us talk about the NFIP.

Right now, the National Federal Insurance Program has a near monopoly on the flood insurance market. In fact, I think if you ask most Americans if they knew there were other flood insurance policies other than through NFIP, you would probably get a blank stare. What most people don't know is that since the passage of the National Flood Insurance Act of 1968, private flood insurance has been understood to satisfy requirements and mandates to purchase flood insurance. In fact, when Congress passed the last flood insurance reform package under Biggert-Waters, Congress reaffirmed the intent that private primary flood insurance should satisfy requirements and those of mandatory purchase.

Unfortunately, due to the lack of legislative language, there have been pervasive rejections of private primary flood insurance by most lenders. This is due to the fact that lenders are unsure about the validity of private-issue flood insurance, despite the fact this insurance has been issued and accepted in the past. For this reason, I, along with Senator LEE, have worked on an amendment that would provide clarification and hopefully eliminate this uncertainty.

The Heller-Lee amendment provides a simple and clear definition of what is acceptable private flood insurance. Our amendment would define acceptable private flood insurance as a policy that provides flood insurance coverage issued by an insurance company that is licensed, admitted, or otherwise approved to engage in the business of insurance in the State or jurisdiction in which the insured building is located.

Private insurers are already subject to statutes and regulations in each and every State. State insurance commissioners are the best regulators to allow and disallow any policy they deem proper or improper, and they have significant ability to assure fair and equitable settlements of claims.

Further encouragement of private sector participation in the flood insurance market will help reduce the risks to which U.S. taxpayers are currently exposed. In fact, I would like to share some statements I just received from FEMA, after I asked FEMA if private flood insurance is a viable tool for some consumers to find lower cost options. FEMA stated:

Private flood insurance would create competition. It is possible some homeowners could find lower-cost options for flood insurance as a result of privatized market competition.

So I ask my colleagues to support the Heller-Lee amendment so we can give the American public more choices, higher competition, and less cost when it comes to flood insurance.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. BALDWIN). Without objection, it is so ordered.

Mrs. FISCHER. I ask to speak in morning business.

The PRESIDING OFFICER. The Senator has the floor.

OBAMACARE

Mrs. FISCHER. Madam President, I rise today on behalf of the 18,000 Nebraskans who have contacted me to express their concerns with the negative impacts of Obamacare.

Rather than addressing these problems in last night's State of the Union address, the President doubled down on the failed policy.

Well, the President has had his chance to speak. Now it is time for my constituents to have their voices heard.

The law is hurting my constituents. It is hurting middle class families. We now know that millions of Americans have lost their private health insurance.

Many who have successfully enrolled in the exchange have been forced into plans that do not meet their families' needs. These plans often cost more but cover less.

Treatments, even for those battling cancer, have been delayed.

We learned this month that a woman named Josie Gracchi—who was diagnosed with breast cancer—recently lost her doctors. She was forced to postpone her scheduled biopsy and follow-up treatment. The reason: Josie's insurance rolled over into a new plan in an exchange under Obamacare at the start of the New Year.

Seniors are losing their trusted doctors, too.

Americans are disclosing deeply personal information—including their health care histories and Social Security numbers—to a flawed website ripe for hacking.

If truth in advertising rules applied to Obamacare, it would be banned as an unfair and unreliable product. Let me give you an example. We were all told that this massive law would dramatically expand coverage for the uninsured. Yet a recent Wall Street Journal article cites a McKinsey study that undermined this promise.

Only 11 percent of consumers who bought new coverage under the law were previously uninsured, according to a McKinsey & Co. survey of consumers thought to be eligible for the health-law marketplaces.

One reason for people declining to purchase plans was affordability. That was cited by 52% of those who had shopped for a new plan but not purchased one in McKinsey's most recent sampling, performed in January.

As it turns out, the ''Affordable Care'' Act is hardly affordable, and the vast majority of those who purchased insurance through the exchanges already had health insurance.

Last week the CEO of Aetna, a major insurance company, said Obamacare was not attracting enough uninsured people to work. He said more premium increases are on the horizon.

''Are they going to be double-digit,'' he said, ''or are we going to get beat up because they're double-digit or are we just going to have to pull out of the program?''

And recently Moody's downgraded health insurers from stable to negative based on uncertainty related to Obamacare. The downgrade is a result of the administration's series of unilateral changes, which only invite even more uncertainty.

This pervasive uncertainty is also plaguing our small business owners, who are struggling with the onslaught of new regulations. Americans see selective delays for some, but not all. Hardworking men and women—our entrepreneurs—are the backbone of our economy. Any sort of meaningful economic recovery will only come when they have the confidence to grow and expand their businesses and that requires certainty.

Obamacare robs them of that certainty, and as a result the unemployed are robbed of jobs.

It's not just those searching for work who suffer from Obamacare's heavy regulatory hand. Our senior citizens are at a loss as well. The Washington Post recently described challenges facing Medicare Advantage patients because of Obamacare.

Obamacare has cut over half a trillion dollars from Medicare. Now, insurers are terminating physician networks.

According to The Post:

Insurers say they must shrink their physician networks because they face billions of dollars in government-payment cuts over the next decade—reductions that are being used partly to fund insurance coverage for millions of people under the federal Affordable Care Act.

And it is not just our seniors, it is also the young.

A recent study by the American Action Forum found that it would be cheaper for 86 percent of young adults to forgo coverage.

The study concluded:

Even after mandate penalty is fully implemented, a majority of young adult households will find that it is financially advantageous for them to forgo health insurance, pay the mandate penalty, and personally cover their own health care expenses.

Without the participation of young, healthy people, we are told the whole system will collapse. Then what?

To add insult to injury, some Obamacare proponents want taxpayers to pick up the tab for insurance companies assuming the whole system might, in fact, collapse.

Instead of calling this a ''bailout''—which is what it is—they use terms that could only be coined in Washington—terms like ''risk-corridors,'' ''reinsurance funds,'' or ''risk-sharing protection.''

The White House may even preemptively alter portions of this program for big insurance companies before the law falls apart. I believe American taxpayers have paid enough. That is why I cosponsored Senator MARCO RUBIO's Obamacare Bailout Prevention Act.

The President and big insurance companies should not be permitted to force taxpayers to pay for the mess they created. Nebraskans have no interest in any more bailouts. And they certainly cannot afford to pay for these skyrocketing premium spikes. Just ask my constituent from Lincoln, who wrote me recently to share her story.

She said:

I spent 2 hours on the phone with Healthcare.gov. The Supervisor said she was going to try and reapply and reinstate my plan beginning January 1, 2014. . .

After an hour long process everyone but my 15 year old son was approved for healthcare. So, then she tried to apply again. . . An hour later the system 'crashed' and she asked me to call back later.

So I called back yesterday. I had to go through an hour long process again for signing up. . . at that point, all THREE of my children were completely denied coverage.

My husband and I are seriously scared. . . if something catastrophic happens our family will be ruined without healthcare for our children.

These hardworking middle class families need relief. They are over-taxed and over-burdened. People are scared. The law has not brought what the President promised. The cost of this flawed law is depriving Nebraskans the opportunities to build their own futures and pursue their dreams. Scrapping this law should be a priority for the Senate, the White House, and the country. It certainly is a top priority for me. We must repeal and replace this failed law now. Anything short of that is just irresponsible. Our constituents are counting on us—let's not disappoint them.

I yield the floor.

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

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

Mr. NELSON. Madam President, I am here to say hallelujah, that it looks as if we are finally coming to the point at which we can grant the homeowners and businesses of America some relief from the huge, gargantuan—tenfold sometimes—increases in flood insurance premiums. We are going to be able to pass this legislation today, with a vote cutting off debate yesterday of over 80 votes. I mean, there were times we were just hoping to get to 60 votes. I think that overwhelming number finally tells the story Senator LANDRIEU has told. She has told this story from the housetops, from the basements, from the riverbanks, and from the gulf shores: Enough. She has told this story along with Senator MENENDEZ, who has shouted it from Cape May, NJ, all the way to the Port of New Jersey at the mouth of the Hudson. This Senator has shouted this from the State with the longest coastline of any State—save for Alaska—a State whose highest point in the entire State is about 350 feet, along riverbanks and lakes, as well as the coastal waters. Therefore, naturally, it is something we have to be concerned with, the flood protection, and therefore protecting the financial assets of folks—their homes and their businesses. They simply cannot take a tenfold increase all at once.

Now we are going to pass it. Unfortunately, there are still some folks who are trying to do us in. They are trying to do us in with subtle amendments that are going to try to seduce some Senators: Oh, doesn't this sound good? But they are going to cut the heart out of it, and we have to reject those amendments.

At the end of the day, we will have the votes here in the Senate and we will pass it. The question is, What will happen down there at the other end of the Capitol? Let's just get a real big vote here, and that will send a message to our colleagues in the House of Representatives that this is ''no fooling'' time, that these rate increases are already in effect as of January 1, and we need to stop the rate increases in order to have time for FEMA to do the affordability study and therefore to see what is consumable among consumers, homeowners, business owners, and then have that be a consideration along with the actuarial soundness.

I will conclude my remarks, before I thank Senator LANDRIEU, by saying that one of the toughest jobs I have ever had in public service—and I have been blessed with a lifetime of public service—was the elected insurance commissioner of Florida. I learned something about insurance during those years. This thing called actuarial soundness is a mathematical proposition whereby the expected risk and the expected loss—you want to charge enough, if you are an insurance company, to handle that. That is the theory of actuarial soundness.

We know that part of the angst here about the Federal Flood Insurance Program is that it, in essence, has been subsidized by American taxpayers because it was never charging enough. But the question is: What is the real risk? The 2005 flood losses in the Flood Insurance Program as a result of Katrina—which was not the garden variety category 3 hurricane because the counterclockwise winds came on to Mississippi, not on to Louisiana.

The back end of the hurricane on the counterclockwise rotation came across Lake Pontchartrain and filled the canals in New Orleans. The water pressure became so great as the water level rose, and what you had were some faulty dikes. When the dikes were breached, part of New Orleans flooded, which caused massive financial loss.

The other unusual event, which Senator MENENDEZ can tell you about, happened 1 year ago as a result of Hurricane Sandy. Again, that was a very unusual occurrence. We could talk about climate change, but that is an issue for another day. It is very unusual for a category 1 hurricane to hit the northeast coast of the United States in the late months when it is cold. Because the water is cold, it is not hot enough to fuel a hurricane, but this one did.

The northeastern coast is not exactly as accustomed to hurricanes as we are in Florida, and as a result we saw massive losses not so much from the wind but from floods.

The damage was not just along the coast. Look at what happened on the inland areas all the way through New England. So those were two unusual climatic events which resulted in huge losses.

As you are calculating the actuarial soundness in order to adjust a flood insurance premium, should those be considered in what ordinary people—over 2 million policies just in my State alone, 40 percent of all the flood insurance policies in the State of Florida. That is why we also need that recalibrated and calculated so we can find out what is affordable in the affordability study.

Finally, I can't say enough about Senator LANDRIEU. This would not have happened without her. She has been dogged in her determination. She has been unyielding in her attempts to get this to where we are actually going to pass it in the Senate. I just want to express my personal appreciation for Senator LANDRIEU on behalf of the people of Florida, and, indeed, on behalf of the people of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I ask unanimous consent that I be permitted to proceed for up to 10 minutes as if in morning business.

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

(The remarks of Ms. COLLINS and Mr. NELSON pertaining to the introduction of S. 1970 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. NELSON. Madam President, I yield the floor, and if no one else is

seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Rhode Island.

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

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

AMENDMENT NO. 2706

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the pending amendment be set aside so I may call up amendment No. 2706.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE] proposes an amendment numbered 2706.

The amendment is as follows:

(Purpose: To exempt natural resource agencies from fees for flood insurance rate map change requests)

At the appropriate place, insert the following:

SEC. ___. EXEMPTION FROM FEES FOR CERTAIN MAP CHANGE REQUESTS.

Notwithstanding any other provision of law, a requester shall be exempt from submitting a review or processing fee for a request for a flood insurance rate map change based on a habitat restoration project that is funded in whole or in part with Federal or State funds, including dam removal, culvert redesign or installation, or the installation of fish passage.

Mr. WHITEHOUSE. Madam President, I wish to say a few words about this amendment which I hope we can pass. I think it is an amendment that will find strong bipartisan support.

I am from New England and across New England—and I suspect in Wisconsin and across the country as well—communities are trying to restore old rivers to their healthy state. What we see in New England, particularly in Rhode Island with our history of the Industrial Revolution, is that our early industrial history was powered by hydropower. It was powered by damming rivers and then diverting some of the flow through a wheel that then drove the engines of industry—the mills, for instance, that were so important to Rhode Island's industrial history. That is not true just of Rhode Island; it is true across New England, and I suspect it is true in a lot of places across the country.

As local communities are restoring these old rivers—they tend to be small rivers, particularly in New England, and these tend to be old dams—what we want to do is remove the old dams so the original flow is restored or we want to rebuild or maybe even redesign culverts so the flow of the river through the culvert permits the passage of fish. In some cases, we want to fully keep the dam but build a fish passage, so the fish that are working their way upstream to their traditional breeding grounds find a passage and aren't blocked by dams. Again, this is part of bringing these old rivers back to life. When we do that, in my State, it is usually towns—small towns often—and local community organizations that have to apply in order to make those changes.

Part of the application process is a flood map revision to show what a change—removing the dam or changing the culvert or adding the fish ladder—will make on downstream conditions and so the flood map gets redone. The flood map gets filed with FEMA, and FEMA requires a processing fee of more than $5,000 in order to review and accept the flood map revision.

What actually happens in practice is that the town or the local organization that is filing the flood map revision, because they are repairing or replacing the dam or providing fish passage for it, will apply to waive that fee. Virtually always—at least in Rhode Island, and I think around the country—FEMA is willing to waive that fee.

But the problem is, these are small organizations and these are small towns, and it takes actually a considerable effort to put together the fee waiver application. So you may save $5,500 in the form of the FEMA fee, but you will spend maybe close to that much on your lawyers and engineers and on time and trouble in working together to get that application done.

So since these fees usually get waived anyway, this amendment would just cut to the chase and say there is no fee. And because there is no fee, now you do not have to apply for a fee waiver. That will help the small towns and the small organizations that are often behind these small projects; and I mean dams that are only just 4 or 5 feet tall sometimes. The redesign of a culvert is not a major effort. It is very important to local communities, very important to local fishermen, very important to local canoers and outdoorsmen, but not a terrifically big deal.

I hope we can agree to eliminate that bureaucratic requirement. Neither NOAA nor FEMA have expressed any objection whatsoever to this amendment.

If I can close, I will read a statement by Chris Fox, who is executive director of the Wood-Pawcatuck Watershed Association. The Wood River and Pawcatuck River run through western Rhode Island, and they are wonderful rivers. I have actually canoed and kayaked them both and enjoyed it immensely. He had to go through this fee waiver process for a set of projects on the Upper Pawcatuck River, and he writes:

This Amendment will avert lengthy project delays and reduce the cost of these environmentally beneficial projects nationwide. . . . On behalf of the wildlife, water, and people who reside in, and depend upon the health of the Wood-Pawcatuck Watershed, I thank you and all those who support this Amendment.

I hope all my colleagues will join together to earn Chris Fox's thanks for this, I hope, noncontroversial and beneficial amendment.

I thank the Presiding Officer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SHELBY. Madam President, I rise today in opposition to S. 1926. In July of 2012, after over 7 years of negotiations in the Congress, the Congress finally passed the Biggert-Waters Act, the first significant flood insurance reauthorization bill since the creation of the National Flood Insurance Program in 1968.

One of the goals of the reform at that time was to ensure—yes, to ensure—that the 5.6 million flood insurance policyholders in this country could collect on their policies if they were ever to suffer a flood loss, something that cannot be guaranteed by the Flood Insurance Program that is currently $25 billion in debt.

The program basically is bankrupt and only operating by the grace of the American taxpayer. Historically, the flood insurance premiums have not covered costs because the program was not designed to be actuarially sound. Essentially, it was flawed from the beginning when it was created in 1968.

The National Flood Insurance Act of 1968 authorized subsidized rates to encourage participation in the Flood Insurance Program, especially for properties in high-risk locations. The Biggert-Waters legislation changed all this by requiring that the program be actuarially sound, that flood insurance rates reflect actual risk, and that the program eliminate its debt.

The sponsors of the legislation before us now have said that the moment Biggert-Waters was signed into law by the President they began working to roll back the reforms. Before they had any clear knowledge of how the changes in that legislation would be implemented, how mapping would affect homeowners, how flood insurance rates would change or whom might be pulled into the program and whom might be pulled out.

If my colleagues are hoping to dismantle the Flood Insurance Program, then they should support this legislation because that is exactly what it will do. However, if they are looking to address the unintended consequences of Biggert-Waters, then we should take a more measured approach like we do on most legislation. If there are affordability concerns that they are seeking to address, then I think we should find a way to address them.

If they are attempting to address economic impacts that were not contemplated in the Biggert-Waters Act, then we should find alternative approaches that minimize those impacts.

If they believe that the rate at which Biggert-Waters phases in risk-based premiums needs to be reconsidered, then we should discuss alternative increases.

Unfortunately, this legislation does not specifically address those issues. S. 1926, coupled with the provisions that the sponsors included in the recently passed omnibus appropriations act, will stop all changes in the Federal Flood Insurance Program. Those efforts will ensure that mapping revisions which we desperately need do not move forward, that premium increases are halted, and, even more disturbing, that homeowners never truly learn their real flood insurance risk.

I believe people in America deserve to know the cost and risk of where they live. Taxpayers deserve to have those who choose to live in harm's way assume their own risk. The proponents of this legislation want to continue to burden, I believe, an already over-burdened and bankrupt Federal insurance program. They are not seeking to address a few discrete problems with the flood insurance reforms passed in 2012.

Make no mistake, they want to stop it all. I concede, like any legislation, there were issues with the implementation of Biggert-Waters that were not anticipated. But those can be addressed in other ways that do not require the ''stop everything'' approach that the proponents of this legislation are basically advocating.

Congress is often criticized for being unable to fix anything. In 2012, we took a very significant step toward fixing the National Flood Insurance Program after 7 years of work. Now we have a bill before us that will undo virtually every reform that was enacted less than 2 years ago.

I urge the proponents of the bill today to follow regular order and to take this bill through the committee process where it can be debated and amended and where people can be heard. Absent that, I urge my colleagues to join me in voting against this legislation in favor of a more measured approach which will preserve what is needed in the Biggert-Waters legislation and change only that which needs to be changed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TESTER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. TESTER. Madam President, I ask unanimous consent that at the conclusion of my speech, Senator REED of Rhode Island be the next Democratic speaker.

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

Mr. TESTER. I come to the floor to speak against the Coburn amendment.

I know the good Senator from Oklahoma hasn't brought up this amendment yet, but this is the time I have available to speak about it. If he doesn't bring it up, God bless him, but if he does bring it up, hopefully these comments will be able to impact some of the Members of this body.

Before I talk about the Coburn amendment, I thank Senators MENENDEZ, LANDRIEU, and ISAKSON for including legislation that is very important to Senator JOHANNS and me in this important flood insurance bill.

Title II of the underlying bill is actually the National Association of Registered Agents and Brokers Reform Act or, as I refer to it, NARAB. NARAB is legislation Senator JOHANNS and I introduced last year. It creates a nonprofit association to provide one-stop licensing for insurance agents and brokers operating outside of their home States, while also fully preserving the authority of the State insurance regulators to supervise these markets.

Currently, an insurance agent or broker seeking to operate in multiple States must meet different State-specific licensing requirements for each State and seek approval for each State's jurisdiction. This process can be time-consuming, costly, redundant, and sometimes contradictory—without providing any greater consumer protection. That is a big disincentive for agents and brokers who try to grow their business.

This is not a new issue for the insurance industry. Congress recognized the need to reform the insurance licensing system 15 years ago in 1999 when it incorporated the National Association of Registered Agents and Brokers subtitle into the Gramm-Leach-Bliley Act. Unfortunately, during consideration of the act, Congress did not provide for the immediate establishment of NARAB. Instead, it included provisions to simply encourage State reciprocity for licensing. As a result, Gramm-Leach-Bliley wasn't able to achieve the level of reciprocity and uniformity Congress had hoped for, and these efforts became something of a dead end. That is why we are considering this important legislation today.

Title II would provide insurance agents and brokers with the option of becoming a member of NARAB, provided that they meet the professional standards set by the association and undergo a criminal background check.

NARAB will streamline the licensing process for agents and brokers, enabling them to be licensed once under a single high national licensing standard rather than follow different State standards. This will save time, and it will save money. The association will set rigorous professional and consumer protection standards, including the requirement that all association members undergo criminal background checks, and, for the first time, continuing education standards for nonresident producers. In addition to setting rigorous professional standards, the association will let agents and brokers renew their licenses all at once and fully preserve the ability of regulators to protect consumers, supervise and discipline agents and brokers.

Currently, on average, insurance agents sell their products in eight States, with many of them serving even more. A one-stop licensing compliance mechanism will benefit all agents and brokers but particularly the smaller agents and brokers who must spend time and money dealing with different standards in different States. A one-stop shop for insurance licensing will help smaller players compete against their larger competitors. More opportunity is good for small businesses, and more competition is good for consumers. However, the amendment I referred to in my opening that may be offered by the good Senator from Oklahoma would render NARAB meaningless by giving States the ability to ignore NARAB's cross-State licensing abilities.

The concept of NARAB was first developed when Congress passed Gramm-Leach-Bliley in 1999, but, again, the measure wasn't able to achieve the measure of uniformity and reciprocity it hoped for. Title II represents decades of efforts and will finally achieve the goals laid out in Gramm-Leach-Bliley in a way that ensures that regulators can continue to protect consumers.

I appreciate and understand the concerns of my friend from Oklahoma, and I share his interest in making sure we preserve States rights, but I also want to make clear that we tried to provide an opt-out for States when Gramm-Leach-Bliley was implemented 14 years ago. With all due respect, it simply did not work. That is why we are debating this bill today.

I would like to take a minute and talk about how this legislation protects States rights. Every State would retain all authority to license its resident agents and brokers. The association would be required to notify States when agents and brokers apply for membership, letting States notify NARAB of any reason membership should not be granted for a producer.

Additionally, because the association would be in communication with all State insurance regulators, this notification measure will prevent bad actors with violations in one State from simply moving to another State because their record would now follow them.

States will also have significant control over NARAB. The nonprofit association would be governed by a board of directors dominated by State insurance regulators and chaired by a State insurance regulator.

The amendment of the Senator from Oklahoma also implies this legislation somehow imposes unfunded mandates on States or compels States to take some action, and this simply isn't the case.

The legislation also ensures States remain responsible for the oversight

and day-to-day regulation of the insurance marketplace. States will maintain exclusive control over the regulation and marketplace activities, consumer protection requirements, unfair trade practices, and other important areas.

Under this bill, we preserve the longstanding authority of States to supervise insurance producers. Any agent or broker who obtains the authority to operate in a jurisdiction through NARAB is still subject to the full regulatory authority of that State and must comply with all marketplace requirements.

Under our proposal we ensure States will continue to receive insurance licensing fees, which will be collected by NARAB and remitted to the States.

This legislation is strongly supported by the National Association of State Insurance Commissioners, the National Association of Insurance and Financial Advisers, the Council of Insurance Agents and Brokers, and the Independent Insurance Agents and Brokers of America. Its purpose is thwarted if the amendment of the good Senator from Oklahoma is adopted.

If NARAB cannot offer producers the ability to fulfill their licensing obligations in all jurisdictions, then NARAB offers very little value for those agents and brokers who would otherwise participate and would create uncertainty about whether individual States might opt out in the future.

So I urge my colleagues, if the good Senator from Oklahoma decides to bring up his amendment, to oppose that amendment.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2697

Mr. COBURN. Madam President, I am waiting on Senator MENENDEZ to come to the floor on a point of order, but I do ask unanimous consent that we temporarily set aside the pending amendment so I may call up my amendment No. 2697.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] for himself and Mr. MCCAIN, proposes an amendment numbered 2697.

Mr. COBURN. I ask unanimous consent that the amendment be considered as read.

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

The amendment is as follows:

(Purpose: To allow States to opt-out of participation in the National Association of Registered Agents and Brokers)

At the end of section 330 of subtitle C of title III of the Gramm-Leach-Bliley Act, as added by section 202(a), insert the following:

''(c) STATE OPT-OUT-RIGHTS.—

''(1) IN GENERAL.—Any State, as described in section 333(9)(A), may elect not to participate in the Association, and insurance producers doing business in that State shall be subject to all otherwise applicable insurance-related laws, rules, and regulations of that State.

''(2) PROCEDURE.—A State, as described in section 333(9)(A), that elects not to participate in the Association under paragraph (1) shall do so by enacting legislation indicating such election.

''(3) EFFECTIVE DATE OF OPT-OUT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the effective date of an election by a State, as described in section 333(9)(A), not to participate in the Association under paragraph (1) is 2 years after the date on which the State enacts legislation under paragraph (2).

''(B) IMMEDIATELY EFFECTIVE OPT-OUT.—An election by a State, as described in section 333(9)(A), not to participate in the Association under paragraph (1) shall take effect upon the enactment of legislation under paragraph (2) if such legislation is enacted not later than 180 days after the date of enactment of this Act.

''(4) EXCLUSION OF INSURANCE PRODUCERS.—No insurance producer, the home State, as described in section 333(9)(A), of which has made an election not to participate in the Association under paragraph (1), may become a member of the Association.

''(5) NOTIFICATION OF OPT-OUT.—A State, as described in section 333(9)(A), that elects not to participate in the Association under paragraph (1) shall notify the Board and the primary insurance regulatory authority of each State of such election.

''(6) CHANGE IN ELECTION.—

''(A) OPT-IN.—A State, as described in section 333(9)(A), that has elected not to participate in the Association under paragraph (1) may elect to participate in the Association by enacting legislation indicating such election.

''(B) EFFECTIVE DATE OF OPT-IN.—An election by a State, as described in section 333(9)(A), to participate in the Association under subparagraph (A) shall take effect upon the enactment of the legislation indicating such election.

''(C) NOTIFICATION OF OPT-IN.—A State, as described in section 333(9)(A), that has elected to participate in the Association under subparagraph (A) shall notify the Board and the primary insurance regulatory authority of each State of such election.

In section 334 of subtitle C of title III of the Gramm-Leach-Bliley Act, as added by section 202(a), strike paragraph (9) and insert the following:

''(9) STATE.—The term 'State'—

''(A) means any State, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands; and

''(B) does not include any State (as described in subparagraph (A)) that has made an election not to participate in the Association under section 330(c)(1).

Mr. COBURN. I see Senator MENENDEZ is now on the floor, and what I wish to do is talk a little about this bill.

This bill is going to add $900 million in additional budget authority and outlays over the next 5 years with no offsets, period. The sponsors claim the bill is offset over 10 years but relies on a budget gimmick that assumes Congress would not raise the NFIP borrowing authority once it hits the cap. That has never happened. And in the absence of sufficient borrowing authority, the program would delay payments of insurance claims until additional resources became available. So in reality this bill will add another $2.1 billion in debt to the NFIP while making no substantive changes to address affordability issues.

Even the administration states that delaying implementation of these reforms would further erode the financial position of the NFIP, which is already $24 billion in debt. This delay would also reduce FEMA's ability to pay future claims made by all policyholders. NFIP is unaffordable to the American people as the program is currently already more than $24 billion in debt.

The pending measure, S. 1926, a bill to delay the implementation of certain provisions of the Biggert-Waters Flood Insurance Reform Act of 2012, and to reform the National Association of Registered Agents and Brokers, and for other purposes, would violate the Senate pay-go rule and increase the deficit. Therefore, I raise a point of order on this measure, pursuant to sections 201(a) of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that Act and applicable budget resolutions for purposes of the pending bill, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The motion to waive is debatable.

The Senator from Oklahoma.

Mr. COBURN. Madam President, this country is in serious trouble with its debt, its unfunded liabilities, and its continual habit by its elected representatives to not live within its means.

Waiving the Budget Act so that we can delay a reform on something that needs to be reformed does not make sense. I have no doubt I won't win this budget point of order, but the American people need to be paying attention. Here we go again, not doing the hard, tough work of making choices about priorities.

We passed a bill, the Biggert-Waters bill, it was signed into law, and now, because it is starting to come into effect, we are going to delay it for 4 years. It is going to cost billions. Then we are not going to solve the problem. And don't forget, this is not about keeping Biggert-Waters intact, it is about making it go away. That is what it is about.

I am adamantly opposed to the waiver of the Budget Act and I will await the call of the Chair on the vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, briefly, I appreciate the longstanding views of my colleague from Oklahoma on a variety of fiscal issues, but on this one I must say I have a disagreement with him. This isn't about doing away with Biggert-Waters, because the reality is that of the 1 percent of properties that equal 33 percent of all claims, there is nothing set aside for that 1 percent that creates 33 percent of all the claims. It remains as it existed in Biggert-Waters.

As a matter of fact, overwhelmingly, we keep most of the Biggert-Waters reforms in the legislation. The one thing we are doing is creating a pause for those property owners who have obeyed the rules, followed their responsibilities, built in new standards and now find themselves, notwithstanding having done all those things, in the midst of a lot of hurt and rate shock.

In fact, some of us foresaw this, evidenced by the fact that I raised these issues as a member of the Senate banking committee, where this bill was heard, and when I couldn't achieve any affordability elements, I got an affordability study included, which study should be completed before we actually put into force skyrocketing premiums that are going to what, create greater stability for the fund? No.

What is insurance about? Insurance is about spreading risk over a wider pool. So what happens when people simply can't meet those skyrocketing premiums, as evidenced by the many stories our colleagues on both sides of the aisle have come to talk about on the floor? What happens when they, in essence, have to say: I can't have insurance or I am going to turn my house over to the mortgage company because I can't sustain that policy or I will have to sell the property at a fire sale? What happens then? The pool grows smaller. What are the consequences of the risk pool growing smaller? Prices rise. And when prices rise even more for everybody else, what happens again? The risk pool grows smaller. And when the risk pool grows smaller, the prices rise again.

So this isn't about undoing Biggert-Waters. On the contrary, this is about getting it right. This is about fulfilling the element of the law that said there must be an affordability study so we can determine what type of affordability mechanism would exist in the law so that ultimately we make sure we have a solvent program and, at the same time, be able to keep the single most significant asset any family has in this country, which is their home.

That is what we are trying do here, and that is why I urge my colleagues on both sides of the aisle to support the waiver of the budget point of order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I understand Senator REED has been waiting to speak about his amendment and the unanimous consent agreement allows for that. I would like 30 seconds to respond to the Coburn amendment. I see the Senator from Tennessee, and I am not sure what brings him to the floor, but if I can have 30 seconds to respond to the Coburn amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. LANDRIEU. I want to underscore what the Senator from New Jersey just said. If our efforts were to repeal the Biggert-Waters bill, we would have drafted one to do so. This is not repealing Biggert-Waters. This is an honest, good-faith attempt to make the flood insurance program work. So we are insisting the affordability study be done first, we are insisting the maps be accurate, and we are insisting that FEMA recognize levees that taxpayers have built with their own money. Is that too much to ask? I mean, think about that: An affordability study, to recognize levees that are built, and to make sure people can afford these rates.

I know my 30 seconds is up. I urge my colleagues to vote against the Coburn point of order and to help us move this important bill to the House of Representatives with a strong vote.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 2703

Mr. REED. Madam President, I ask unanimous consent that the pending amendment be set aside and that I be permitted to call up my amendment No. 2703.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 2703.

Mr. REED. I ask unanimous consent that the reading of the amendment be waived.

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

The amendment is as follows:

(Purpose: To require the Administrator of the Federal Emergency Management Agency to conduct a study to assess voluntary community-based flood insurance options)

At the end, add the following:

SEC. ___. STUDY OF VOLUNTARY COMMUNITY-BASED FLOOD INSURANCE OPTIONS.

(a) STUDY.—

(1) STUDY REQUIRED.—The Administrator shall conduct a study to assess options, methods, and strategies for making available voluntary community-based flood insurance policies through the National Flood Insurance Program.

(2) CONSIDERATIONS.—The study conducted under paragraph (1) shall—

(A) take into consideration and analyze how voluntary community-based flood insurance policies—

(i) would affect communities having varying economic bases, geographic locations, flood hazard characteristics or classifications, and flood management approaches; and

(ii) could satisfy the applicable requirements under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a); and

(B) evaluate the advisability of making available voluntary community-based flood insurance policies to communities, subdivisions of communities, and areas of residual risk.

(3) CONSULTATION.—In conducting the study required under paragraph (1), the Administrator may consult with the Comptroller General of the United States, as the Administrator determines is appropriate.

(b) REPORT BY THE ADMINISTRATOR.—

(1) REPORT REQUIRED.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains the results and conclusions of the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall include recommendations for—

(A) the best manner to incorporate voluntary community-based flood insurance policies into the National Flood Insurance Program; and

(B) a strategy to implement voluntary community-based flood insurance policies that would encourage communities to undertake flood mitigation activities, including the construction, reconstruction, or improvement of levees, dams, or other flood control structures.

(c) REPORT BY COMPTROLLER GENERAL.—Not later than 6 months after the date on which the Administrator submits the report required under subsection (b), the Comptroller General of the United States shall—

(1) review the report submitted by the Administrator; and

(2) submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains—

(A) an analysis of the report submitted by the Administrator;

(B) any comments or recommendations of the Comptroller General relating to the report submitted by the Administrator; and

(C) any other recommendations of the Comptroller General relating to community-based flood insurance policies.

Mr. REED. Madam President, my amendment would require the Federal Emergency Management Agency—FEMA—to study and report on the advisability of establishing voluntary community-based flood insurance policies under the National Flood Insurance Program—NFIP. The Government Accountability Office would be required to review and comment on FEMA's study.

The study will help answer important questions about how such voluntary community-based policies could be implemented within the National Flood Insurance Program. It does not commit FEMA, the Congress, or local communities to take any action. It simply calls for fact-finding and analysis that could provide the basis for improvements to the flood insurance program.

The idea of community-based flood insurance is to assess the risk for all properties within a community and collect premiums from the community rather than from individual property owners. By purchasing insurance at the community level, willing local governments—and I emphasize willing and

voluntary—may be able to spread the cost of premiums equitably among property owners. In addition, they may be able to increase participation in the flood insurance program, including among property owners who are within the 100-year flood plain but who are not subject to the mandatory purchase requirement because they do not carry a federally backed mortgage. Expanding participation would ensure that all properties in the flood plain have coverage from risk.

Beyond increasing coverage and participation, community-based insurance may also offer new opportunities and incentives for communities to deal with affordability, including by undertaking mitigation efforts that will reduce risk and insurance costs. Indeed, the amendment specifically requires FEMA to develop a strategy that incorporates mitigation into its recommendations for community-based policies.

For communities in Rhode Island and along the east coast that are dealing with the aftermath of Hurricane Sandy and the reality of sea level rise and climate change, this could offer another tool to prepare.

There are important questions to be answered about the feasibility of such an option and how it might be offered. That is what this amendment seeks to do. A study of this option has been included in separate amendments and bills sponsored by proponents and opponents of the underlying bill, and it has been approved by the House twice as a freestanding bill.

Indeed, it has been part of bills or amendments sponsored or cosponsored by Chairman JOHNSON, Senator CRAPO, Senator SHELBY, and Senator LANDRIEU.

I thank the managers and authors of the underlying bill—Senators MENENDEZ, LANDRIEU, and ISAKSON—for their work. They have done an extraordinary job in working to ensure my amendment could be considered. I believe this amendment will add to the goals of the underlying bill of which I am a cosponsor. Given the bipartisan support for this concept, I hope it could be adopted by a voice vote.

Before I yield the floor, one point. We have another emergency that is facing us, not only floods and rising waters, but unemployment insurance. I ask if we could continue the bipartisan dialog we have had. I salute my colleagues on the other side of the aisle who have been principled in their pursuit of this objective, and we can move on that issue also.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I rise to address the amendment I have. I will formally ask to call it up in a few moments, but I wish to say a few words about it. I would like to start with a little bit of background and a reminder of how we got here and the circumstances that brought us to this point.

It all started, of course, with a completely unsustainable National Flood Insurance Program. I don't think there is any dispute that this program is massively in debt, it has been completely under water, it was insolvent, and there was no prospect for this to right itself because of the massive subsidies for homeowners of all stripes.

By the way, in addition to being fiscally insolvent and therefore a huge drain for taxpayers, it has a lot of very bad incentives. When you subsidize homes built in dangerous places, you subsidize and encourage homes to be rebuilt there, homes to be bought in places that are dangerous and costly. So there are problems inherent. The CBO was very clear about this. This program was not going to be able to honor its commitments. That is what happens when a program like this is insolvent and is unreformed: People who think they have insurance for their home end up discovering one day that they don't because of its insolvency.

So along came the Biggert-Waters approach to reform the National Flood Insurance Program and to put it in a position where it would actually be solvent and would actually be able to honor the policies people are paying for.

It was September of 2011 that the Senate banking committee took up the reforms, and they passed it with a voice vote. In other words, there was no dissent. There was no objection to the Biggert-Waters reforms. That was, of course, after many hearings. This had been discussed at length for many years before we got to that point. But we did. We passed it in the banking committee.

In June of 2012—so less than 2 years ago—Biggert-Waters, the flood insurance reform program—was wrapped into another bill. It was wrapped into the MAP–21 Transportation bill and it passed—and it passed with overwhelming support. As a matter of fact, as it happens, every single Democratic Senator who was in the Chamber voted in favor of the Biggert-Waters reforms I think in part because they understood this program needed to be reformed, and I think we all believe this program needs to be in a fiscally sustainable place.

So the final passage of that bill less than 2 years ago required the reforms of Biggert-Waters, which includes as central to those reforms that over time everybody who participates in the National Flood Insurance Program will eventually be paying actuarially sound rates—rates that actually reflect the risk of their home, so taxpayers wouldn't be on the hook and they wouldn't be subject to the worry about whether this program is going to go away altogether.

That is where we were when, lo and behold, we start to discover that for some people premium increases are going to be very dramatic. I have heard a lot from Pennsylvanians. This is a problem with the Biggert-Waters reform.

One of the problems I suspect a lot of folks did not anticipate was that the premium spikes would be quite substantial and happen over a pretty short period of time. There is a phase-in under the Biggert-Waters reforms, but it is quick, and it is very problematic for that relatively small handful of people who would be adversely affected, because it turns out that the remapping determines that they are in a higher risk profile than had previously been understood or, if they had built their home prior to the initial mappings, they wouldn't be subject to the premium increase. But upon sale of their homes, the premium increase would go into effect, and it would go into effect immediately. And that of course can have a devastating impact on the value of a person's home.

I want to be very clear. There is no question in my mind that if we don't do anything, if we simply leave Biggert-Waters alone, that has an unacceptable impact on people who are adversely affected in the form of premium increases that are way too big way too quickly. And that is not the right outcome. We shouldn't settle for that.

I know cases in Pennsylvania where people are facing thousands of dollars in increase. In some cases it is immediate. In a case where they are going to be selling their home, the new buyer would face that immediately. In other cases, it is phased in quickly.

The Menendez approach—the underlying bill we are debating today—deals with this, but it deals with this in the wrong way. It deals with this by completely suspending all the reforms. It completely dispenses with the idea that we should move toward an actuarially sound program. It says for 4 years there will be no change in premiums.

It is hard not to see this as a measure designed to kill the reform. I understand it is painful to have any premium increase, but to say that the response should be to abandon any effort to move to a fiscally sound, actuarially based program can't be right. To do that is to completely throw out the reforms that took so many years to get.

And, by the way, it doesn't provide any certainty for the homeowners it is meant to protect—where for 4 years nothing happens, and after the fourth year nobody knows what happens. I know it is the intent of some to continue indefinitely without making any changes, but that is not a solution. This is an insolvent program.

What that means is we will get to the day—relatively soon, according to CBO—when the National Flood Insurance Program will simply be unable to honor the commitments it has made. It will not have the resources. It will not have the borrowing authority. It will run out of money. And people who then get their homes flooded will find it of little comfort that their premium was a little lower when it turns out there is no benefit to be paid, there are no resources for them to rebuild.

So this doesn't work. And it is not just me who observes this problem with the underlying Menendez bill. As a matter of fact, the President of the United States has weighed in on this. I have a quote here from a Statement of Administrative Policy they put out 2 days ago directly referring to this bill, identifying it by number. This is the bill they are talking about, the Menendez bill. One of the things they say is:

> Delaying implementation of these reforms would further erode the financial position of the NFIP, which is already $24 billion in debt. This delay would also reduce FEMA's ability to pay future claims made by all policyholders.

This is the President of the United States. His administration has looked at the Menendez bill, and this is their conclusion: This doesn't work. This doesn't work for the policyholders. It doesn't work for taxpayers. It doesn't work for anybody.

There is another problem I would point out with the Menendez bill: It wouldn't work if it were to become law for these reasons, but it is not going to become law. The administration has made it clear they don't support it. The Speaker of the House has made it abundantly clear he will not put a bill on the House floor that guts the reforms of Biggert-Waters. The House chairman of the banking committee, who has jurisdiction over this, has made it abundantly clear: He is not going to move a bill that does away with these fiscal reforms.

If your goal is to do something to help homeowners who are facing premium increases, a vote for the Menendez bill does nothing, because that bill is going nowhere. The administration doesn't support it. They have said so. The House is not even going to take it up. So if your goal is to do something for constituents who are facing a big premium increase—and, frankly, that is a big part of my goal—the Menendez bill doesn't cut it. That is going nowhere.

What the administration said would work and what House leadership is willing to work with us on would be to phase in these premium increases more gradually, because everybody acknowledges the premium increases are occurring too quickly, and that needs to change.

This is another quote from that same Statement of Administration Policy on the same bill. What they said was:

> The administration strongly supports a phased transition to actuarially sound flood insurance rates.

They didn't refer to my amendment, but this is exactly what my amendment does. It phases this in gradually so as to minimize the pain, allow people an opportunity to adjust, allow people the time to maybe mitigate the risk and still maintain the integrity—the fiscal integrity—of the program so it actually can pay the claims that surely will be submitted.

Let me run through quickly exactly what the amendment does and doesn't do, because there has been some confusion about this.

Our amendment actually retains very significant portions of the underlying Menendez bill because parts of it made a lot of sense. Section 1 is the title. Section 2, definitions. Unchanged. Section 3 is where we phased the premium increases in gradually rather than suspending them altogether. That is the big difference. Section 4 of the Menendez bill is an affordability study and report, requires FEMA to complete this study—as Biggert-Waters does—within 2 years of the enactment of the bill. We leave that intact. I think that is a good idea. We need that. My amendment would not affect that whatsoever.

The Mendendez bill also provides some additional funding for the affordability study. It lifts the cap that was set before. My amendment wouldn't change that. I think we need to lift that cap.

Section 6. This is a measure that provides funds to reimburse homeowners when they challenge the redraw. So when a new map comes out and someone's house is deemed to be in a more risky place and therefore the premium is higher, a homeowner can challenge that. If the homeowner wins, under the Menendez language—which I support and stays in this bill under my amendment—the homeowner would be reimbursed the cost of that challenge.

Senator KING from Maine had a very good suggestion, which is: If a community chooses to challenge the mapping because they think there was a mistake made, they think it was inaccurate and it adversely affects them, that community too would be reimbursed for its costs if it turns out to be successful in its challenge. I agree with that. We have incorporated that into our amendment.

Section 7 addresses the flood protection system. This is a very important part of what the Menendez bill does and I fully support it, and that is this: Under current law, one of the problems is in order for a community or a homeowner to fully benefit from risk mitigation that they may have done—a levee that may have been built or a dam or some other risk mitigation. In order to fully benefit from that, the Federal Government has to have paid for some portion of it. That is ridiculous. What difference does it make who paid for it? If it has been built and it is providing protection, that is all that should matter. This language would achieve that, the Menendez bill achieves that, and my amendment incorporates that. We keep that intact as well.

Section 8 addresses floodproofed residential basements, addresses that. Our amendment doesn't change that.

Section 9 creates a designation of a flood insurance advocate. Again, my amendment makes no change to that.

Section 10. Senator BLUNT had an amendment that would change the remodeling trigger for loss subsidies from 30 percent to 50 percent of a home's value. We incorporate Senator BLUNT's amendment into our own, so that is there.

Senator HAGAN had an amendment to exempt escrow requirements for flood insurance payments. We fully incorporate that into my amendment as well.

Senator RUBIO had an amendment also that was accepted by the managers. It is in ours.

What it comes down to, the difference between my amendment and the Menendez approach is one keeps us on a path of reform, keeps us on a path to an actuarially sound, fiscally responsible flood insurance program, whereby the flood insurance program is actually able to pay its claims, and the Menendez bill dispenses with it. It dispenses with the most important, most fundamental reform. The other part that we do is we soften the blow. If your concern is with these homeowners who are facing these huge premiums, my amendment is the only way we are actually going to achieve that help for those folks because this is the only legislative approach that has a chance of actually legislatively becoming law.

By the way, in addition to its problems with the other body and the administration, the Menendez bill is subject to a budget point of order because it increases our deficit and forces more government borrowing. It is subject to a point of order. I don't know that it can sustain that. I don't know it can defeat a budget point of order and that is an important issue.

Because our approach is fiscally sound, we are not subject to a budget point of order. What we do is we say the longer delay in the phase-in of the premium increases costs the flood insurance program some money until you get to the point where people have reached the level where they are paying actuarially sound rates, but we fully offset that with a very modest surcharge on all flood insurance policies in the country. It is about $40 per year in the first year, the most expensive year, unless your income is over one-half million dollars a year, in which case it is about $80, and that is it. It goes down after that because over time, when the higher premiums phase in, the loss to the program is diminished and therefore the surcharge goes down with it.

But let's be very clear. The maximum that anybody would be paying is about $40 a year unless their income is over one-half million dollars a year, in which case it would be $80 a year.

I will wrap up. I think we cannot continue to ignore all of the fundamental mandatory spending problems we have. When we actually go through a long and painful and deliberative systematic process to reform a program, for us to then walk away within 2 years and say never mind, we are not going to have any reform, is just so disappointing and irresponsible. We have bigger challenges facing us. If we cannot deal with this, I don't know what we are going to do.

I fully acknowledge we have to soften the blow for people who are going to face much higher premiums and my amendment does that. The way we do that is by ensuring nobody's premium could go up by more than 25 percent. In the case of people who would face a big increase, under my approach it will take many years of gradual phasing in before they would actually be forced to pay that higher actuarially sound rate. If they think the rate is unfairly high, they can challenge it or they can leave the program and buy private insurance. They can do that. But to suggest we are going to just do nothing after having put the reforms in place I think would be a big mistake.

There are a lot of groups that are supporting my amendment. I have a list I am going to run through quickly:

Natural Resources Defense Council, National Wildlife Federation, The Nature Conservancy, Taxpayers for Common Sense, National Association of Mutual Insurance Companies, Reinsurance Association of America, American Rivers, National Fire Protection Association, National Leased Housing Association, the R Street Institute, American Consumer Institute, Americans for Prosperity, Americans for Tax Reform, the Coalition to Reduce Spending, the Cost of Government Center, Council for Citizens Against Government Waste, Freedom Works, National Taxpayers Union, Taxpayers for Common Sense, Taxpayers Protection Alliance.

You can see there is a combination of fiscal watchdogs, folks who are very concerned about fiscal prudence, as well as people who are concerned about environmental integrity. There are other groups coming on continuously.

As I mentioned, every Democrat who voted on the Biggert-Waters reform voted in favor of it. What my amendment does is it preserves the integrity of the reform while softening the blow for the people who will be affected by it.

I think this is a very important, although modest, step in doing these two things.

AMENDMENT NO. 2707, AS MODIFIED

I ask unanimous consent to set aside the pending amendment so I may call up my amendment, No. 2707, with the modification at the desk.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows.

The Senator from Pennsylvania [Mr. TOOMEY] proposes an amendment, No. 2707, as modified.

The amendment is as follows:

(Purpose: To adjust phase-ins of flood insurance rate increases)

Strike sections 103 through 109 and insert the following:

SEC. 103. PHASE-IN OF FLOOD INSURANCE RATE INCREASES.

(a) MAP CHANGES.—Section 1308(h) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(h)) is amended—

(1) in the second sentence, by striking ''shall be phased in over a 5-year period'' and all that follows and inserting the following: ''shall be implemented by increasing the risk premium rate by 25 percent each year following such effective date until the risk premium rate accurately reflects the current risk of flood to such property.''; and

(2) in the third sentence, by striking ''shall be phased in over a 5-year period'' and all that follows and inserting the following: ''shall be phased in by increasing the risk premium rate by 25 percent each year following the effective date of such issuance, revision, updating, or change.''.

(b) HOME SALE TRIGGER.—

(1) PHASE-IN.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) described in section 1307(g)(2) that are principal residences shall be increased by 25 percent each year, beginning in the year after the first sale of such a property that occurs after the date of enactment of the Biggert-Waters Flood Insurance Reform Act of 2012 and continuing in each successive year regardless of any further sale or resale of the property, until the risk premium rate charged for the property accurately reflects the current risk of flood to the property.''.

(2) APPLICATION OF PHASE-IN TO PRINCIPAL RESIDENCES PURCHASED BETWEEN JULY 7, 2012 AND APRIL 1, 2013.—

(A) DEFINITION.—In this paragraph, the term ''eligible policy'' means a flood insurance policy—

(i) that covers a principal residence that was purchased during the period beginning on July 7, 2012 and ending on April 1, 2013; and

(ii) for which the risk premium rate charged was increased, after the purchase described in clause (i), to the full risk premium rate estimated under subsection (a)(1) of section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) as required under subsection (g)(2) of such section (as in effect on the day before the date of enactment of this Act).

(B) APPLICATION OF PHASE-IN TO RISK PREMIUM RATE UPON POLICY RENEWAL.—The risk premium rate charged for an eligible policy shall—

(i) on the date on which the policy is first renewed after the date of enactment of this Act, be adjusted to be the rate that would have been charged as of that date if the phase-in provision under paragraph (3) of section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)), as added by paragraph (1) of this subsection, had been in effect when the property covered by the eligible policy was purchased; and

(ii) be increased by 25 percent each year thereafter, in accordance with paragraph (3) of section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)), as added by paragraph (1) of this subsection.

(c) PROMULGATION OF REGULATIONS AND RATE TABLES.—

(1) IN GENERAL.—The Administrator shall promulgate such regulations and make available such rate tables as necessary to implement subsections (a) and (b) and the amendments made by those subsections, as though those subsections were enacted as part of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 916).

(2) PUBLIC PARTICIPATION.—To ensure community, stakeholder, and expert participation in the promulgation of regulations and the establishment of rate tables under this subsection, the Administrator shall—

(A) publish the regulations and rate tables in the Federal Register; and

(B) before promulgating final regulations and making available final rate tables, provide a period for public comment on the regulations and rate tables published under subparagraph (A) that is not shorter than 45 days.

(3) TIMING OF PREMIUM CHANGES.—To allow for appropriate implementation of subsections (a) and (b) and the amendments made by those subsections, the Administrator may not implement any premium changes with respect to policy holders, including charges or rebates, that are necessary to implement subsections (a) and (b) and the amendments made by those subsections until the date that is 6 months after the date on which the Administrator promulgates final regulations and makes available final rate tables under this subsection.

(d) FLOOD INSURANCE FEE.—

(1) IN GENERAL.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following:

''(j) FEE TO OFFSET PHASE-IN OF CERTAIN PREMIUM RATE INCREASES.—

''(1) IN GENERAL.—The Administrator shall charge an annual fee to each holder of a flood insurance policy issued under this Act to offset the costs of the Homeowner Flood Insurance Affordability Act of 2014 and the amendments made by that Act.

''(2) AMOUNT.—In establishing an amount of the fee to be charged under paragraph (1), the Administrator shall charge a policyholder with an annual household income that is not less than $500,000 twice the amount that the Administrator charges a policyholder with an annual household income that is less than $500,000.''.

(2) APPLICABILITY.—The Administrator shall charge the fee required under section 1308(j) of the National Flood Insurance Act of 1968, as added by paragraph (1), with respect to any flood insurance policy that is issued or renewed on or after the date of enactment of this Act.

(e) DISCLOSURE.—

(1) CHANGE IN RATES UNDER BIGGERT-WATERS.—Not later than the date that is 6 months before the date on which any change in risk premium rates for flood insurance coverage under the National Flood Insurance Program resulting from the amendment made by section 100207 of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 919) is implemented, the Administrator shall make publicly available the rate tables and underwriting guidelines that provide the basis for the change.

(2) CHANGE IN RATES UNDER THIS ACT.—Not later than the date that is 6 months before the date on which any change in risk premium rates for flood insurance coverage under the National Flood Insurance Program resulting from this Act or any amendment made by this Act is implemented, the Administrator shall make publicly available the rate tables and underwriting guidelines that provide the basis for the change.

(3) REPORT ON POLICY AND CLAIMS DATA.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the feasibility of—

(i) releasing property-level policy and claims data for flood insurance coverage under the National Flood Insurance Program; and

(ii) establishing guidelines for releasing property-level policy and claims data for flood insurance coverage under the National Flood Insurance Program in accordance with section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'').

(B) CONTENTS.—The report submitted under subparagraph (A) shall include—

(i) an analysis and assessment of how releasing property-level policy and claims data for flood insurance coverage under the National Flood Insurance Program will aid policy holders and insurers to understand how the Administration determines actuarial premium rates and assesses flood risks; and

(ii) recommendations for protecting personal information in accordance with section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'').

SEC. 104. AFFORDABILITY STUDY AND REPORT.

Notwithstanding the deadline under section 100236(c) of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957), not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the full Committee on Banking, Housing, and Urban Affairs and the full Committee on Appropriations of the Senate and the full Committee on Financial Services and the full Committee on Appropriations of the House of Representatives the affordability study and report required under such section.

SEC. 105. AFFORDABILITY STUDY FUNDING.

Section 100236(d) of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 957) is amended by striking ''not more than $750,000'' and inserting ''such amounts as may be necessary''.

SEC. 106. FUNDS TO REIMBURSE HOMEOWNERS AND COMMUNITIES FOR SUCCESSFUL MAP APPEALS.

(a) IN GENERAL.—Section 1363(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(f)) is amended—

(1) in the first sentence, by inserting after ''as the case may be,'' the following: ''or, in the case of an appeal that is resolved by submission of conflicting data to the Scientific Resolution Panel provided for in section 1363A, the community,''; and

(2) by striking the second sentence and inserting the following: ''The Administrator may use such amounts from the National Flood Insurance Fund established under section 1310 as may be necessary to carry out this subsection.''.

(b) CONFORMING AMENDMENT.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) for carrying out section 1363(f).''.

SEC. 107. FLOOD PROTECTION SYSTEMS.

(a) ADEQUATE PROGRESS ON CONSTRUCTION OF FLOOD PROTECTION SYSTEMS.—Section 1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(e)) is amended—

(1) in the first sentence, by inserting ''or reconstruction'' after ''construction'';

(2) by striking the second sentence and inserting the following: ''The Administrator shall find that adequate progress on the construction or reconstruction of a flood protection system, based on the present value of the completed flood protection system, has been made only if (1) 100 percent of the cost of the system has been authorized, (2) at least 60 percent of the cost of the system has been appropriated, (3) at least 50 percent of the cost of the system has been expended, and (4) the system is at least 50 percent completed.''; and

(3) by adding at the end the following: ''Notwithstanding any other provision of law, in determining whether a community has made adequate progress on the construction, reconstruction, or improvement of a flood protection system, the Administrator shall consider all sources of funding, including Federal, State, and local funds.''.

(b) COMMUNITIES RESTORING DISACCREDITED FLOOD PROTECTION SYSTEMS.—Section 1307(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(f)) is amended by striking the first sentence and inserting the following: ''Notwithstanding any other provision of law, this subsection shall apply to riverine and coastal levees that are located in a community which has been determined by the Administrator of the Federal Emergency Management Agency to be in the process of restoring flood protection afforded by a flood protection system that had been previously accredited on a Flood Insurance Rate Map as providing 100-year frequency flood protection but no longer does so, and shall apply without regard to the level of Federal funding of or participation in the construction, reconstruction, or improvement of the flood protection system.''.

SEC. 108. TREATMENT OF FLOODPROOFED RESIDENTIAL BASEMENTS.

In implementing section 1308(h) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(h)), the Administrator shall rate a covered structure using the elevation difference between the floodproofed elevation of the covered structure and the adjusted base flood elevation of the covered structure.

SEC. 109. DESIGNATION OF FLOOD INSURANCE ADVOCATE.

(a) IN GENERAL.—The Administrator shall designate a Flood Insurance Advocate to advocate for the fair treatment of policy holders under the National Flood Insurance Program and property owners in the mapping of flood hazards, the identification of risks from flood, and the implementation of measures to minimize the risk of flood.

(b) DUTIES AND RESPONSIBILITIES.—The duties and responsibilities of the Flood Insurance Advocate designated under subsection (a) shall be to—

(1) educate property owners and policyholders under the National Flood Insurance Program on—

(A) individual flood risks;

(B) flood mitigation;

(C) measures to reduce flood insurance rates through effective mitigation; and

(D) the flood insurance rate map review and amendment process;

(2) assist policy holders under the National Flood Insurance Program and property owners to understand the procedural requirements related to appealing preliminary flood insurance rate maps and implementing measures to mitigate evolving flood risks;

(3) assist in the development of regional capacity to respond to individual constituent concerns about flood insurance rate map amendments and revisions;

(4) coordinate outreach and education with local officials and community leaders in areas impacted by proposed flood insurance rate map amendments and revisions; and

(5) aid potential policy holders under the National Flood Insurance Program in obtaining and verifying accurate and reliable flood insurance rate information when purchasing or renewing a flood insurance policy.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the duties and responsibilities of the Flood Insurance Advocate.

SEC. 110. HOME IMPROVEMENT FAIRNESS.

Section 1307(a)(2)(E)(ii) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(2)(E)(ii)) is amended by striking ''30 percent'' and inserting ''50 percent''.

SEC. 111. EXCEPTIONS TO ESCROW REQUIREMENT FOR FLOOD INSURANCE PAYMENTS.

(a) IN GENERAL.—Section 102(d)(1) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)) is amended—

(1) in subparagraph (A), in the second sentence, by striking ''subparagraph (C)'' and inserting ''subparagraph (B)''; and

(2) in subparagraph (B)—

(A) in clause (ii), by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and adjusting the margins accordingly;

(B) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and adjusting the margins accordingly;

(C) in the matter preceding subclause (I), as redesignated by subparagraph (B), by striking ''(A) or (B), if—'' and inserting the following: ''(A)—

''(i) if—'';

(D) by striking the period at the end and inserting ''; or''; and

(E) by adding at the end the following

''(ii) in the case of a loan that—

''(I) is in a junior or subordinate position to a senior lien secured by the same residential improved real estate or mobile home for which flood insurance is being provided at the time of the origination of the loan;

''(II) is secured by residential improved real estate or a mobile home that is part of a condominium, cooperative, or other project development, if the residential improved real estate or mobile home is covered by a flood insurance policy that—

''(aa) meets the requirements that the regulated lending institution is required to enforce under subsection (b)(1);

''(bb) is provided by the condominium association, cooperative, homeowners association, or other applicable group; and

''(cc) the premium for which is paid by the condominium association, cooperative, homeowners association, or other applicable group as a common expense;

''(III) is secured by residential improved real estate or a mobile home that is used as collateral for a business purpose;

''(IV) is a home equity line of credit;

''(V) is a nonperforming loan; or

''(VI) has a term of not longer than 12 months.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—

(A) REQUIRED APPLICATION.—The amendments to section 102(d)(1) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)) made by section 100209(a) of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 920) and by subsection (a) of this section shall apply to any loan that is originated, refinanced, increased, extended, or renewed on or after January 1, 2016.

(B) OPTIONAL APPLICATION.—

(i) DEFINITIONS.—In this subparagraph—

(I) the terms ''Federal entity for lending regulation'', ''improved real estate'', ''regulated lending institution'', and ''servicer'' have the meanings given the terms in section 3 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003);

(II) the term ''outstanding loan'' means a loan that—

(aa) is outstanding as of January 1, 2016;

(bb) is not subject to the requirement to escrow premiums and fees for flood insurance under section 102(d)(1) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)) as in effect on July 5, 2012; and

(cc) would, if the loan had been originated, refinanced, increased, extended, or renewed on or after January 1, 2016, be subject to the requirements under section 102(d)(1)(A) of the Flood Disaster Protection Act of 1973, as amended; and

(III) the term ''section 102(d)(1)(A) of the Flood Disaster Protection Act of 1973, as amended'' means section 102(d)(1)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)(A)), as amended by—

(aa) section 100209(a) of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 920); and

(bb) subsection (a) of this section.

(ii) OPTION TO ESCROW FLOOD INSURANCE PAYMENTS.—Each Federal entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, direct that each regulated lending institution or servicer of an outstanding loan shall offer and make available to a borrower the option to have the borrower's payment of premiums and fees for flood insurance under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), including the escrow of such payments, be treated in the same manner provided under section 102(d)(1)(A) of the Flood Disaster Protection Act of 1973, as amended.

(2) REPEAL OF 2-YEAR DELAY ON APPLICABILITY.—Subsection (b) of section 100209 of the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112–141; 126 Stat. 920) is repealed.

(3) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to supersede, during the period beginning on July 6, 2012 and ending on December 31, 2015, the requirements under section 102(d)(1) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)), as in effect on July 5, 2012.

SEC. 112. MONTHLY INSTALLMENT PAYMENTS FOR PREMIUMS.

Section 1308(g) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(g)) is amended by striking ''either annually or in more frequent installments'' and inserting ''annually, monthly, or in other installments that are more frequent than annually''.

SEC. 113. ACCOUNTING FOR FLOOD MITIGATION ACTIVITIES IN ESTIMATES OF PREMIUM RATES.

Section 1307(a)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(1)) is amended by amending subparagraph (A) to read as follows:

''(A) based on consideration of—

''(i) the risk involved and accepted actuarial principles; and

''(ii) the flood mitigation activities that an owner or lessee has undertaken on a property, including differences in the risk involved due to land use measures, floodproofing, flood forecasting, and similar measures,''.

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

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

AMENDMENT NO. 2709, AS MODIFIED

Mr. MERKLEY. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up amendment No. 2709, and that the amendment be modified to correct a typographical error.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY] proposes an amendment numbered 2709, as modified.

The amendment is as follows:

(Purpose: To establish limitations on force-placed insurance)

At the end of title I, add the following:

SEC. 110. LIMITATIONS ON FORCE-PLACED INSURANCE.

Section 102(e) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(e)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) LIMITATIONS ON LENDERS AND SERVICERS.—

''(A) PAYMENTS FROM INSURANCE COMPANIES.—An lender or servicer, or an affiliate of a lender or servicer, may not receive a commission or any other payment from an insurance company in connection with securing business under paragraph (2) from the insurance company.

''(B) PURCHASE FROM AFFILIATED INSURANCE COMPANIES.—

''(i) IN GENERAL.—Except as provided in clause (ii), a lender or servicer, or an affiliate of a lender or servicer, that purchases insurance under paragraph (2) may not purchase the insurance from an insurance company that is affiliated with the lender or servicer.

''(ii) EXCEPTION.—Clause (i) shall not apply to the purchase of insurance under paragraph (2) by a lender or servicer, or an affiliate of a lender or servicer, that is a bank, or a Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)), with assets of not more than $10,000,000,000.''.

Mr. MERKLEY. Mr. President, I will take this occasion to make a couple of remarks about the content of this amendment.

This amendment is about a predatory practice that is involved in the flood insurance world, and that predatory practice occurs when a servicer of mortgages places flood insurance on a property—be it a home or a business. They sometimes arrange a very expensive policy to be placed on the property. The reason they do this is that the insurer—the insurance company that has prepared the policy—is charging many times the market rate, but in exchange they pay the servicer a large bonus.

We remember how bonuses in the subprime world were used to steer families from prime mortgages into subprime mortgages. In this case the bonus is being paid to the servicer so the servicer will steer the family into an expensive insurance policy rather than a fair market rate policy.

My amendment takes a very simple approach and says that these bonus payments or incentive payments—or whatever name you would like to give to them—from the insurer to the servicer in order to utilize their very expensive, above market rate product rather than a fair market rate product will not be allowed. That eliminates this conflict of interest and will enable the servicer to provide a fair service of placing flood insurance on a property if it is required under the terms of the mortgage, but not to do so in a predatory manner.

I hope that all of our colleagues on both sides of the aisle will take a look at this practice and realize that the overall scope of this bill is about a fair deal for families who are in the situation of being required under their mortgage to obtain flood insurance. Part of that fair deal should involve ending this particular predatory premium practice on force-placed flood insurance.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Tennessee.

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

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

AMENDMENT NO. 2707

Mr. CORKER. Mr. President, I wish to speak very briefly on the Toomey amendment. I know we have on the floor a bill that basically, let's face it, puts off for about 4 years reforms we put into the Flood Insurance Program. It is a $24 billion program. It is a very small, in essence, entitlement program we have in this country.

I am very despondent over the fact that we passed these reforms unanimously out of the Banking Committee in 2011. That took place in October of 2013.

Our Nation is facing incredible entitlement problems, and we all know it. People on both sides of the aisle have been down here ad nauseam talking about the fact that as a Nation, the No. 1 threat we have is our inability to deal with the fiscal issues we know we have throughout the entitlement programs we have in this country. Here we have a situation where, unanimously, out of the Banking Committee, we passed reforms to deal with the flood insurance program which we know is moving quickly towards insolvency.

So what do we do? Maybe instead of being the most deliberative body in the world, we might be described as the most pandering body in the world. What we are doing instead is punting on these reforms. I am discouraged by that. It is amazing. I think we have not shown the ability to really address any of the bigger issues that our Nation has to deal with.

Obviously, I would be more responsive to a bill that maybe made tweaks or did some things to make this work in a way that was not quite as draconian. But the fact is we all know the way the program works. It is just not sustainable, and we know that, in essence, taxpayers all across this country are subsidizing folks who are participating in a national program that called for them to have insurance relative to their own property.

So in an effort to try to deal with this in a more thoughtful way, PAT TOOMEY from Pennsylvania has offered an amendment to ensure that the increases in premiums people are facing

are done in a way that obviously dramatically reduces the impact on people. Again, I applaud that. I appreciate that. I think there are some homeowners in this country, as well as property owners, who are having—the way the program now works, these increases would take place over the next 4 to 5 years. Instead, the Toomey amendment causes them to not increase—especially for those who make under a certain amount of money—more than 25 percent a year. So if someone has a $200 bill for flood insurance next year, it would go up 50 percent.

I think it is a thoughtful effort to try to cause this bill to still be actuarially sound. It has no negative impact on our deficits. I think it is a way for us to deal with this in a much better way than, let's face it, putting our heads in the sand and not taking on this issue.

I want to go back one more time and say this is one of the few reforms—it may be the only reform that I am aware of—that has actually become law that has come out of the Banking Committee in several years. It did so unanimously. This is in essence an entitlement program. It is a small entitlement program. I understand it is very important to some property owners around our country. But if we as a body are going to turn away from reforms and not replace those reforms with other reforms but instead delay—in essence what most people believe because of the way FEMA operates—delay this for 4 years, then I think it speaks to a body that just really has no desire whatsoever to take on the issues that are so important to our Nation's citizens.

So I think the Toomey amendment is a thoughtful approach to try to deal with the issue, which I think is affecting many people in this body who have people they represent who are going through substantial increases in a way that they feel to be too draconian. So if that is a Senator's issue, I urge people to strongly support the Toomey amendment.

By the way, with the passage of the Toomey amendment, which leaves the rest of the reforms in place, I will then believe we have done something in this body that is thoughtful. We will have attempted to make this Flood Insurance Program actuarially sound and, at the same time, we will have solved the issue that I think so many people here are concerned about. Without the passage of the Toomey amendment as a part of this bill, I wish to say one more time, this body will have failed once again. With a very, very, very small entitlement program, we will have failed to rise to the occasion, to put our country, minimally, on a course toward solvency, and instead turned away from this effort which speaks to the fact that there is almost no likelihood that we will ever, within the short period of the midterm anyway, be able to address the bigger issues we all know are looming and are affecting our country in such a big way.

I urge strong support for the Toomey amendment. Without the Toomey amendment, I hope this body will vote down this bill which undoes the only real reforms the Banking Committee has put in place in the last several years.

With that, I yield the floor, and I thank the Presiding Officer for the time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague and friend from Tennessee for his, as usual, thoughtful presentation, even though I disagree with it. His positions are always thoughtful, carefully thought out, and I appreciate his thoughts and efforts.

The need to pass the Menendez-Isakson-Landrieu bill is extremely important. In New York we have seen the follies of the present flood insurance law. We have seen follies in a variety of ways. Most of all, we have seen homeowners charged a fortune which they can't afford. We have seen homeowners told that even if they are not going to be charged, immediately when they sell their home, the rate will go up so high that they can't sell their home, so the value of the home decreases.

We have seen people—victims of Sandy—whose homes were destroyed or badly damaged, rebuild their homes and then be perhaps forced to lose them because of ridiculous flood insurance rates. We have seen the problems with the maps—areas 5 miles from the nearest flood somehow get called a flood zone and they have to pay more insurance.

We have seen FEMA overreaching in terms of drawing maps. In fact, in my State, they used Suffolk County's flood maps and flood levels and just transposed them on Nassau County—a different place with different elevations and different tides, and we had to get that undone. So a moratorium, going back to the drawing board and holding rates in place while that happens, makes eminent sense.

It is true it will cost the government some money. But what is our job here? Is it to let thousands, tens of thousands, hundreds of thousands default, lose their homes while we stand here and twiddle our thumbs? I don't think so. I don't think the vast majority of Americans think that. We have to figure out how to deal with flood insurance and the Menendez-Isakson-Landrieu bill does that. But while we are doing it, we have to make sure people don't lose their homes. There are many more storms out there. We know that. We have had a Katrina and a Sandy, creating unprecedented damage. It certainly means that the old flood insurance program probably has to be changed. But to just eliminate it, basically, by not passing this bill or by passing the Toomey amendment which, in effect, would eliminate it, makes no sense and would cause huge damage.

I rise in opposition to the Toomey amendment. If a person believes there should be some level of affordability before we impose rates, then a person can't vote for the Toomey bill. Because the Toomey bill basically has mandatory rate increases before any affordability study is concluded. It repeats the mistake of Biggert-Waters. Biggert-Waters actually called for an affordability study. FEMA didn't complete the affordability study and still had the rates go into effect.

If affordability is one of our hallmarks, and I believe it is, then it certainly makes no sense to do what FEMA has done under Biggert-Waters, which is put rate increases in effect before affordability is studied or do what Toomey does, which actually explicitly says rate increases shall go into effect before the affordability study is completed.

Furthermore, the Toomey amendment, in my judgment, means we may as well have nothing at all; we might as well go back to the old, because it establishes an uncapped annual fee on all 5.6 million NFIP policyholders for an unspecified period of time until the identified costs of this bill are offset.

There is no guarantee that homeowners would be protected from a $30,000 premium, if that is what the actuaries think. Speaking for my State of New York, they say it is people on the water. It is second homes. It is rich people. Not in New York, it is not. We have all seen the pictures of homes damaged in Staten Island, in the Rockaways, Queens, in southern Brooklyn, on the southern shore of Long Island—modest homes, some of them even called bungalows, where people live full-time. In Long Beach, average folks—firefighters, teachers, cops, clerks, secretaries, small business people who struggle—double or triple or quadruple their insurance rates, their flood insurance rates, and they can't get by.

One other point I wish to make. Some of my colleagues said: This doesn't effect me. It is going to because FEMA is remapping across the country. They have done a lot of the remapping in New York. I have talked about how irresponsible what they have done is. Once they come to other Members' States and maps, they will see that the mapping is almost nonsensical, mapping people into flood zones who have never had a flood, charging rates that average folks cannot afford. From what I am told, Pennsylvania is the State with the highest percentage of new mapping activity; 14 percent of all new mapping activity, 1,400 maps. So I think even for my good friend from Pennsylvania—and I know he is a true believer in these things and I don't doubt that and I respect his integrity, but it is sure going to affect the people of Pennsylvania.

Guess which State is second in terms of new maps? New York: 625. That is why I feel so strongly and have worked so hard with Senators MENENDEZ and ISAKSON and LANDRIEU, who have done such a fabulous job on this legislation to get it passed.

So I urge defeat of the Toomey amendment. The Toomey amendment is almost a mirror image of the bill itself, the Biggert-Waters bill, which we are tying to counteract and because FEMA did not implement it correctly.

If the Toomey amendment is defeated, and if our flood insurance bill, which I am a proud cosponsor of, is passed, homeowners will be able to breathe a sigh of real relief while FEMA goes back to the drawing boards and figures out a way to have a flood insurance program that does not bankrupt thousands of middle-class, working-class people.

I yield the floor.

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

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

AMENDMENT NO. 2697

Mr. COBURN. Mr. President, I believe when I left the floor my amendment was pending, amendment No. 2697. I would like to spend a few minutes to talk about that amendment. I know somebody else has come to the floor here rather quickly and I have about 5 minutes, I have been told by the cloakroom.

Congressional creation of the National Association of Registered Agents and Brokers, the bill that has been attached to the flood bill, usurps the rights of States' authority over insurance licensing and regulations.

Congress established the McCarran-Ferguson Act that States should retain the regulatory authority over insurance laws.

While NARAB II was crafted to retain primacy of insurance regulations and enforcement actions within the States, this bill will nevertheless compel States to accept a national license within their jurisdictions.

The nonpartisan Congressional Budget Office stated:

> . . . the association's authority would exist only through a preemption of states' power to regulate the licensing of insurance producers. This preemption would stem from an exercise of the sovereign power of the federal government.

NARAB II provides the President and his or her appointee the authority to nullify the decisions made by the NARAB board but does not extend any of the same rights to the individual States.

My amendment will provide a State the opportunity to opt out of participation in NARAB only through the passage of legislation by the State legislature and signature of the Governor, and it will not allow State insurance commissioners to opt out on a whim.

To prevent a disruptive transition, this amendment requires a 2-year delay between passage of State legislation and the effective date of an opt-out. So you cannot get out just like that. It is 2 years.

In order to maintain the foundation of reciprocity and prevent States from gaming the provision for a competitive advantage, insurance producers located within a State that opts out of NARAB would be ineligible from participating in the NARAB system. So if your State opts out, you lose the privilege of going to other States.

The inclusion of this provision would accomplish the bill's goal of streamlining and cost-savings without the continuation of Congress infringing on activities that should be left to the States.

The amendment will still allow for the benefits provided by a multistate licensing process to reduce the bureaucracy involved for producers to access customers in other States, which will help increase competition and lower consumer costs—things I am totally for. Actually, I am for this bill, but only with preserving the Tenth Amendment rights of States.

The provision will also provide a safeguard from NARAB if 10 years from now it is not working as well as the current consensus has hoped and a State or States no longer wish to participate.

As the bill's proponents have already pointed out, NARAB has the support of every State and every insurance producer. They all agree. If that is the case, and this is so popular and such a needed reform, then no State will opt out, and the opt-out provision would be mute, while still protecting the States' rights.

I understand the opposition to this, that they think this will not get off the ground. But the very statements that have been made both in the committee and on the floor—that everybody wants this, all the insurance industry wants this, all the State insurance commissioners want this—if that is the case, nobody will opt out and we will have met our constitutional duty of protecting the Bill of Rights for the States.

I finish by saying this: One of the reasons we are in extreme difficulty—what physicians would call extremis—is that we have ignored States rights, we have ignored the Bill of Rights, and we have said we are primal.

So as CBO said, we are stepping all over this. I understand I probably will not be able to stop it, but it is another indication of why we need the Enumerated Powers Act. That is simply a bill sponsored by 44 Senators that says if you bring a bill to the floor, you have to give the authority under which the enumerated powers would justify you bringing this bill to the floor—to make us pause, just to think about it.

I do not think it is unreasonable. People may disagree about whether States ought to have the right to opt out, but if the program is such as has been designed by the authors of this bill and the statements by the people who have spoken on this bill on the floor—if that is the case—putting this amendment in will not harm it at all; it will not ever be used.

So it is simply saying, if they want to opt out, it is 2 years after they vote in their legislature and it is signed by the Governor before they can, so there is no disruption. Nobody is going to do that, if it is true what everybody who is supporting this bill has said.

It is peculiar and curious to me why anybody would oppose this amendment if, in fact, the facts are as stated by those supporting NARAB II. And I support it. But I think we ought to protect the States' constitutional rights.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I know the distinguished Senator from North Dakota is going to speak, but if she would withhold for 1 moment, I ask unanimous consent that the time until 4:45 p.m. be equally divided between the two leaders or their designees; that at 4:45 p.m. today the Senate proceed to votes in relation to the following: Menendez motion to waive budget points of order against S. 1926, Reed amendment No. 2703, Whitehouse amendment No. 2706, and Gillibrand amendment No. 2708—I would expect those amendments would go by voice—and, finally, there be 2 minutes of debate in between the votes, equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, thank you so much for this opportunity to stand and support a bill that has taken a long time to get to the floor of the U.S. Senate. I remember back when Members such as Senator MARY LANDRIEU stood and sounded the alarm—sounded the alarm even before we saw the problem coming. As a result of that initial effort, and as a result of the great effort of the gentleman who just left the floor, Mr. MENENDEZ, we now have a bill on the floor where we can truly say we are actually listening to the middle class.

How many times do you think in this body we talk about the working folks, who go to work every day, doing everything they can to put food on the table, and they just need us to not cause more problems for them? We hear about the middle class, and last night during the State of the Union speech, again more discussion about the need to pay attention to the financial struggles and the challenges of working families.

Well, let me tell you, this is a bill that for so many working families in North Dakota and across the country can mean the difference between home ownership or no home ownership, can mean the difference between actually having equity in their home or having a house that is under water.

I am not exaggerating. This is a critical part of the housing market. It has created uncertainty in the housing market while we are trying to achieve some success and some continuing momentum. Housing is 20 percent of what we do in this country in our economy, but yet this is throwing a monkey wrench into the housing market for so many families and for so many States.

I want to not tell anything new here maybe but to kind of give a different perspective because I think all too often people think flood insurance is about the coast or it is about the gulf or it is about what is happening maybe along a major river, whether it is the Mississippi. But let me tell you, in my State flooding is a reality for way too many people. It is a problem we have experienced during these wet cycles that has led to devastation, has led to loss of equity in folks' homes, and it has led to uncertainty.

I want to talk a little bit about two places you may not think of because you have all heard about the massive Grand Forks flood, and you, of course, watched television as we were looking at what could have potentially happened in our largest city, the city of Fargo, ND.

But what you may not know is we have a city called Minot, ND, that experienced a devastating flood, an absolutely devastating flood, to a tremendous amount of affordable housing—that housing that was along the bodyway. They thought they were protected from a hundred-year flood. Many did not have flood insurance, and the hundred-year flood came and devastated and wiped out literally hundreds and hundreds of good, hard-working families and retired folks.

They are looking to rebuild, but right now the uncertainty of flood insurance and what is going to happen with the new flood maps has slowed down that effort. It has created uncertainty. I just had a meeting in the city of Minot, where I talked to the mayor, talked to the city officials, and asked the questions about whether they were seeing this uncertainty. They certainly are getting lots of questions. I would love to tell those hard-working North Dakotans that we actually, in Washington, DC, can hear what they are saying.

I also wish to talk about another place way off from Minot. It is in the Red River Valley. It is a place called Grafton, ND, where a great North Dakota family, Allison and Kyle, purchased their home 1 year ago. At the time, the flood insurance rate on their home was $900 a year.

They knew that when they bought the house.

They said: OK. Fine. We have this extra expenditure in order to meet our mortgage requirement. They built that into their budget. This is coverage for $100,000. It seemed reasonable. It seemed like they were paying their fair share. But when the policy recently came up after the changes in the Biggert-Waters law, their flood insurance rate skyrocketed to $4,200 a year—$4,200 a year. That is a 375-percent increase.

In an email to me, Allison expressed a desire to raise their children in Grafton, but unfortunately they no longer can afford to live there with those rates because in Grafton we do not have flood protection. As a result, the entire community is probably in the 100-year flood plain. You are going to buy a house. You are going to get a mortgage. You are going to be required to get flood insurance.

So not only is Allison devastated by this news, the whole community of Grafton is now struggling with this increase in flood insurance. In the community of Valley City, a home has a flood insurance bill that just went from $700 to more than $10,000 a year. Think about that. A lot of people who hear that amount would say: Is that your mortgage payment? No. They say: It is flood insurance. Get this. That flood insurance is for $60,000 worth of coverage.

We have an opportunity here to act as a body that actually listens to the challenges of the American people and actually reforms and looks back when we make decisions, decisions such as Biggert-Waters, and as Senator MENENDEZ has so often said, the concerns about affordability were raised at the time. They assumed those would be taken into consideration as they moved forward with the rate reduction. It did not happen and these rates went up.

But we also have a unique issue in North Dakota; it is called the basement exemption. When you think about at what level your house is protected, you think about your foundation, to that level where your yard basically meets your foundation. Because we waterproofed our basements along the Red River Valley in a lot of our communities we were given an exemption. Lots of money went into waterproofing and making those basements flood-proof.

One might ask: Why do you need a basement? Just put it on a slab. North Dakota, unbeknownst to a lot of people, suffers from tornados. In fact, Fargo was devastated in the 1950s by a tornado. So people take very seriously that emergency shelter that is provided in basements, and frequently those basements get rehabbed and as a result were used as flood control back when those homes were built.

But now we have a basement exemption. People have made the investment. FEMA has, in fact, suggested that the basement exemptions will no longer be valid for all of those communities that have relied on that to provide affordable housing in their communities. So this bill retains and says clearly that the basement exemption, after people made investments and reliance on the government—reliance on the government's word, that we will, in fact, have protection. Without this provision, without the basement exemption, flood insurance rates in these areas that rely on basements could go up again $10,000 a year.

The Homeowner Flood Insurance Affordability Act provides a balanced, targeted approach. This bill gives FEMA the authority needed to implement reforms included in Biggert-Waters in a thoughtful way, to improve the program's solvency, and phase out certain subsidies without pricing people out of their homes and out of the program.

It delays the premium increases until FEMA completes that all-important affordability study required under Biggert-Waters and proposes regulations that allow time for Congress to review. There have been some positive steps since many of my colleagues have come to the floor, including myself, to sound the alarm so many months ago. But we need still to pass this bill.

I think the time is now. What better way—what better way for us to respond to the call of looking at and improving the condition of the middle class than to say: We heard. We listened. We understood the challenges and today we acted. We heard that you want to own your home. We heard that the Federal Government ought not get in the way of you owning your home.

I would encourage all of my colleagues—all of my colleagues—to send a message, send a message that we are putting our votes where our mouths are; that we are, in fact, voting to improve the condition of very many working-class and middle-class American citizens who have had great uncertainty created as a result of flood insurance.

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.

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

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

STATE OF THE UNION ADDRESS

Mr. CORNYN. Mr. President, last night during the President's State of the Union speech, I felt as though I was watching another rerun of one of my favorite movies, ''Groundhog Day'' with Bill Murray. Of course, we all remember that movie. Bill Murray, the principal character, relives exactly the same 24 hours over and over and over again.

Of course, that is what the President's State of the Union reminded me of, because what we heard is a replay of a lot of the ideas we have heard in previous State of the Union speeches. But, unfortunately, the President's speech and his claims in many respects did not reflect reality for most people.

It is apparent the President has not changed in this respect. He still thinks slow economic growth and high unemployment, that the answer to that is

more government spending and more government control over the economy. I would say in the debates we have had in this Chamber and elsewhere and that Americans have had throughout the course of our history since our country's founding about the size and the role of the Federal Government, usually we end up debating philosophy, ideology, and theory.

But the last 5 years have given us the proof we need that big government does not work; not to deny that people do not have the best of intentions, but we know promise after promise has been made, whether it is for the trillion-dollar stimulus—what it would do to unemployment. The President later said, in a moment of candor: Well, I guess shovel ready was not all that shovel ready. NANCY PELOSI talked about timely, targeted, and temporary stimulus. Again, this was borrowed money. This is money we did not have which was added to our debt, which simply did not work. Then of course there is the example of ObamaCare. But let's just review. For the last 5 years, the President pushed through this trillion-dollar stimulus, a $1.8 trillion dollar health care law, a $1.7 trillion increase in new taxes, and about one-half trillion dollars in new regulations.

That is what happens, for example, when I go home to Texas. My community bankers and credit unions say: We have hired new people, but the people we have hired are the ones to fill out the paperwork that is required by the new regulations that are the result of Dodd-Frank.

This is another example of where Wall Street perhaps was the target but Main Street was the collateral damage. So all these new regulations have a cost to them because businesses, if they are going to be in business, are going to have to hire people to comply with those regulations, but that doesn't help grow the economy. That doesn't help make us more productive, and it doesn't put as many people back to work as we would hope would be going back to work in productive jobs.

Let us consider some of the results of some of these items: the stimulus, the health care bill, the new regulations, and new taxes.

Between 2009 and 2013, we have seen median household income fall by more than $2,500, so that is $2,500 less than an average family has to spend on everything from their food to their heating or air-conditioning bill—$2,500 less.

Then we know that the labor participation rate—that is a fancy name for the percentage of people actually in the workforce—has fallen to a three-decade low. It has fallen by 3 percentage points since 2009, meaning that many fewer people are actually in the workforce looking for work. If they were still in the workforce looking for work, the employment rate would actually be much higher, but they aren't counted once they drop out of the workforce. Then we know that long-term unemployment has increased dramatically as a total share of unemployment.

Of course, all of this happened after the recession was over. The technical definition of a recession, I believe, is two consecutive terms of negative economic growth. But amazingly a poll conducted only last week reflected that 74 percent of the respondents thought we were still in a recession. Whether it is a technical recession, people still feel as if we are in one. That is a remarkable number, an unfortunate but yet scathing indictment of the President's economic policies which have not delivered what he had hoped and had promised to deliver.

What is the big idea that the President has to solve this problem or to address these concerns of average hard-working American families? The big idea is let's raise the minimum wage. Superficially, I admit raising the minimum wage has some appeal, but the fact is, when employers have to pay more for their workers, overall that is less money to hire new people. One study estimated that raising the minimum wage to $9.50 an hour—that is less than the $10.10 the President has proposed—would destroy no fewer than 468,000 jobs. Think about it. There is some money with which to hire people, but rather than hire more people, the government sets the wages, meaning they can't hire these other people. That is how it has an either/or effect in terms of jobs. One study calculated that raising the minimum wage to $10 an hour could potentially destroy as many as 2.3 million jobs.

The President chose to ignore this reality last night in his speech. He was eloquent, as always, and gives a great speech. But he said once again—or reiterated once again—if he can't get what he wants from Congress, he is prepared to go it alone.

Last night he said he was going to issue an executive order giving a 40-percent pay raise to Federal contractors, even though the White House cannot tell us how many workers would actually be affected because they don't know.

But who will end up paying more? The Federal Government.

We are talking about raising spending by the Federal Government by 40 percent for these Federal contractors. Somebody has to pay that money, so it is either going to be the taxpayers or it is going to be added to our deficits and debt.

I don't want to be a wet blanket, so let me end on a more positive note, something we could actually do together that would actually make a difference on those long-term unemployed, on people stuck in jobs that are dead end or which they are frustrated with because they are not able to earn the income they want for their family and to live their dream.

One of the debates we should have had earlier but for the majority leader denying us an opportunity to offer any amendments, debate, and vote on the unemployment insurance extension—but I believe we will see that again—is how could we help people learn the skills they need to qualify for the good, high-paying jobs that exist. But there is not enough trained workforce with the skills they need in order to pay for those good, high-paying jobs.

We know there are a lot of workforce training initiatives. Our friend and colleague from Oklahoma tells us there are some 40 different worker training programs, and he has proposed they ought to be consolidated and perhaps streamlined so more of that money could be focused on giving people the education and the tools they need in order to qualify for these good jobs.

I saw a glimpse of what could happen, and thankfully is happening back in Houston, TX, at San Jacinto College, where I had the opportunity to meet some of these inspiring Texans, people who are pursuing their dream.

I met an Iraq war veteran named Jordan Chauvette, who went back to school with the help of the Hazlewood Act. The Hazlewood Act is a State law that provides tuition benefits to veterans and their families. His goal was to learn the skills he would need in order to live a better life and earn a better income for his wife and family.

He recently graduated from San Jacinto College and now is working at an engineering and construction company based in the city of La Porte. If I might interject, one of the reasons there is so much construction, manufacturing—an economic boom taking place in this part of our State—is because of the shale gas revolution. This is one of the brightest spots in our economy, our energy sector, domestic production producing cleaner natural gas. The President talked about that a little bit last night. It is creating these manufacturing jobs because natural gas happens to be feedstock necessary for the petrochemical industry.

Many of the jobs that exist that need these technical skills are the sorts of jobs these young men and women are training for at San Jacinto College. Everything is connected to everything else, but this is how domestic energy production—some of which the President talked about last night—is so important in terms of bringing that manufacturing back on shore. Then we need to have the job training in order to teach people the skills they need in order to qualify for these good, high-paying jobs.

Let's look at the case of Deanna Harper, who received a cosmetology degree from San Jacinto and then went back to school and earned a degree in something called process technology. I don't pretend to understand everything that process technology involves, but all I know is she is a wife, a mother, and she is earning a six-figure salary working in the energy industry. It is a terrific story.

I remember a few years ago in Amarillo, TX, meeting a young Hispanic

woman, a single mother, who had been working as a prison guard—a dangerous, tough job. But thanks to the degree she received from Amarillo College, she was able to go to work on the B–22 Osprey assembly line making in excess of, I believe, $25 an hour and with a great career ahead of her.

What it took was the opportunity for her to go back to school, learn those skills, match those skills with the job, and lift herself up by her own bootstraps.

So many other Texans—Jordan, Deanna, and this young woman I mentioned from Amarillo—have benefited from the recent surge of private investment into petrochemicals and manufacturing, which I mentioned a moment ago. The skills they acquired and the job training they had at San Jacinto prepared them not only for a good job but for an upwardly mobile career in a fast-growing industry.

At a time of stubbornly high national unemployment and people giving up and dropping out of the workforce, we should be doing everything we possibly can to ensure that such jobs and careers are available to all Americans who want them. In that sense we should be doing everything possible to bring this sort of example to Washington, DC, and to spread it nationally.

The truth is there are stories such as this occurring everywhere, but there is more we could do. Certainly, one is take up one of the suggestions of our friend from Oklahoma when he talks about the duplication, the waste, the inefficiency built into our job-training programs—to make them more efficient, to deliver it more streamlined, and to deliver better value to the people who need that training so they can qualify for these kinds of good, high-paying jobs.

That is a much better idea than the Federal Government trying to make a political fix by fixing wages between an employer and a worker that artificially elevates those wages beyond what the market will bear and, in the process, limit the number of new people whom that employer can hire.

These are only some of the ideas I think any reasonable person would say are not completely over the top, are not a crazy ideas, that kind of make sense. But that is exactly the sort of debate we are not having as a result of the restrictive way under which the majority leader is letting us take up consideration of some of this legislation such as the unemployment insurance bill.

Soon, I predict, he will bring a minimum-wage increase bill to the floor. The question is, Is he going to allow amendments from this side of the aisle and the Democratic side of the aisle too? When he cuts off amendments from the floor of the Senate, it doesn't only hurt the minority. We don't like it, but it doesn't only hurt us. It hurts our friends on the other side of the aisle because they are not allowed to offer their constructive suggestions for what could improve the legislation. I thought that is why we are in the Senate, to try to produce the best product we can for the American people.

We don't do it by writing bills in the majority leader's conference room, bringing them out here, and then trying to shove them on through. That is why we have the debate, the checks, the balances, and the deliberative process we have in the Senate. That is what we have not been having.

I wished to raise a few examples of what we could be doing that would be enormously constructive and would help a lot of these struggling workers during a time of high unemployment and low labor participation to help them get back on track.

I came away from that experience at San Jacinto College rejuvenated and encouraged that there is a lot we can do. We do know that people don't want to collect unemployment—maybe some do, but most people, the vast majority of people, want a job.

Again, to repeat what the President talked about last night, he talked about the dignity of work. That is what the vast majority of people want; they want a good job. If we give them the opportunity to learn the skills and we give them a growing economy that is creating jobs, not fewer jobs, then they will be able to find that. I came away even more committed to adopting progrowth economic policies that will make it easier for all Americans to find work when they finish school.

I close on this note. The press leading into the President's speech last night sounded as if it was going to be a whole lot more like he was going to go it alone. But he did at least offer an olive branch of trying to do things more constructively in the legislative branch, recognizing that our Constitution doesn't authorize the executive to do this all by himself. That is what checks and balances are all about, and that is what doesn't happen when he tries to ''go it alone.'' There is danger in trying to go it alone when things are poorly thought out and rammed through without adequate legislation.

But there is one area where that President can use that phone and pen he talked about. He could use that pen to sign the authorization for the Keystone XL Pipeline and connect the pipeline to Canadian oil reserves that would extend from Canada all the way through the United States down to Port Arthur, TX, into what we call the Golden Triangle, where we have a lot of refineries that would turn that crude oil into jet fuel and gasoline. In the process a lot of jobs would be created.

For those of my friends who say: Oh my gosh, we can't build another pipeline, I would invite them to go on Google or Bing or any other search engine and just type in oil and gas pipelines and see what they get. You will be astonished at the number of pipelines that crisscross this country and that safely transmit their product without our even knowing about it, by and large.

I realize occasionally there are accidents, and those are to be deplored and regretted, and we should try to prevent those. But the idea should not be to cut our nose off to spite our face and deny ourselves this safe source of energy from a friendly country such as Canada, so we don't have to get it from dangerous volatile regions of the world and also take with it the jobs that are created as a result of this great renaissance in American and North American energy.

So I would say to the President, in conclusion, after listening to him last night, and really trying to listen to his words: Look at the States that actually are the successful laboratories of democracy. That is the phrase Louis Brandeis coined. That is the great thing about our Federal system, where we have 50 States that are sovereign. They conduct their own business, subject to those matters that are delegated to the Federal Government under the Constitution. But the States are a great place to see what works and what doesn't work. I might add that the two lowest unemployment rates in the United States are Bismark, ND, and Midland, TX, and not unrelated to the shale gas renaissance I mentioned a moment ago.

We should look at what works, from the Tax Code—making it less burdensome, more logical and more conducive to economic growth—to how we address the unkept promises of things such as ObamaCare, which has created uncertainty, increased cost, and caused a lot of disruption in the lives of Americans, and replacing it with patient-centered reforms that actually reduce the cost, expand quality coverage, and improve access to care.

I believe that is the kind of debate we should be having, and that is the type of agenda the American people are asking for and the type of agenda they deserve.

Mr. President, I yield floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I come to the floor of the Senate today to speak on the importance of passing the Homeowner Flood Insurance Affordability Act. I am a cosponsor of this legislation because without it millions of homeowners across the country will see significant increases in their flood insurance premiums.

Homeowner insurance protects a family's investments from damages and losses that come as a result of accidents or tornadoes or burglaries, but that same homeowner policy, as we all know, does not cover damage resulting from floods. Sadly, too many Americans learn of this gap in their policy after it is too late.

In recognition of this major gap in coverage, Congress created the National Flood Insurance Program in 1968 to give homeowners and businesses protection in the event of a flood, and this program has helped them to protect their property, their families, and their livelihoods.

All regions of America are susceptible to flooding. We see it with seasonal rains, hurricanes, and thunderstorms, and it is a powerful force of nature we cannot escape. When you have flood insurance, you have the peace of mind that the tools to help you rebuild will be there for you. For Minnesotans who live in areas susceptible to flooding, the flood insurance program is absolutely vital.

Each spring in northwestern Minnesota, we know the Red River of the North will top its banks and the flood waters will threaten Moorhead, MN, and Fargo, ND. Leading up to the flood event last spring, I visited the region twice to watch the flood preparations, to urge on our volunteers, and to ensure the residents were receiving the Federal assistance and cooperation they needed. Just as I have seen each and every year since 2007, I saw once again how hard friends and neighbors work to prepare for the potential flood.

These people aren't idly sitting by. In fact, I would bet that if towns and other areas of the country saw the kind of floods these folks have faced in certain years of the last decade, I am not sure they would have been saved. In this case, the residents of Moorhead and Fargo incessantly would create sandbags. They have huge warehouses filled with volunteers. Everyone from teenagers to seniors to inmates would be stuffing those bags full of sand. Residents fought heroically to save not only their homes but their businesses and their families.

Across the Red River, we always say the rising river doesn't divide the two States of Minnesota and North Dakota, it unites us. This is not the first time the Red River has risen, and it certainly won't be the last. As honorable, tireless, and commendable as these efforts are, homeowners can't do it alone, and they deserve our help. That is why we need a National Flood Insurance Program that offers affordable premiums for homeowners who are trying to do the right thing.

I would say that on the Minnesota side, many homeowners have relocated—dozens and dozens. In fact, across our State, hundreds of houses have literally been moved or been destroyed because they are too close to flooded areas, but still the need for flood insurance remains.

So what are these people seeing? FEMA is increasing premiums to levels that do not fairly reflect the risks associated with the flood coverage that is being provided, and the consequences of these increases can't be understated. There are 1.1 million homes and businesses across the country that were built before FEMA published a flood map of their community, and now they might not be able to sell their property. Another 2.9 million homes and business owners across the country who have followed the rules but were remapped into a higher-risk area are now seeing significant spikes in their premiums.

Rate increases are not just numbers. They can have a substantial impact on real families and even price them out of their homes. Sharp increases in premiums are devastating for a place such as Roseau, MN, where 75 percent of the homes are located in the floodplain. One Roseau resident who recently wanted to purchase flood insurance for a home valued at $75,000, was shocked with the changes in the premiums. This individual's new annual policy would cost $3,726, not the $985 it had been previously. That is nearly four times as much, and that is sticker shock. When calculated for 30 years, the length of a typical home loan, the flood policy on that $75,000 home would cost more than $110,000—more than the value of the home itself.

Crookston, MN, residents are similarly seeing premiums they can't afford. One resident, who recently purchased a home for around $100,000, was stunned to learn his annual flood insurance program would be $5,800, not the $800 he had anticipated based on the past.

This isn't the way the National Flood Insurance Program is supposed to work. Our National Flood Insurance Program should provide peace of mind, but, instead, these changes create a disincentive for families and businesses in flood-prone areas to do the right thing.

Roseau recovered from a flood in 2002 that caused widespread damage and is working on permanent flood protection to reduce the flood stages in the city. Once complete, the project will include a restriction structure to the city from the 100-year regulatory flood plain and reduce future flood damages by nearly 86 percent.

It makes no sense that FEMA would be pushing these premium increases on consumers before the congressionally required study on affordability has even begun. The bill the Senate is considering today, and which I support, supports these priorities. It stops the proposed rate increases until the affordability study is done and the flood maps being used are verified as being accurate. Only after all of this critical information is reviewed should FEMA move forward and consider the cost of premiums that encourage participation in the flood insurance program while ensuring its long-term stability.

The National Flood Insurance Program has given protection to homeowners and businesses from catastrophic flood losses for more than 45 years. We shouldn't hit them now with an outrageous premium increase.

I commend Senators MENENDEZ, ISAKSON, and LANDRIEU on their great work on this legislation and urge my colleagues to support it.

THE FARM BILL

Now, Mr. President, I would like to discuss another critical priority for my home State of Minnesota, and that is the farm bill.

I rise today to speak in support of the farm bill conference agreement. I was a member of the conference committee. This bill is good for farmers, it is good for rural economies, and it is good for taxpayers, which the House recognized earlier today when they voted to pass the farm bill by a strong vote of 251 to 166. Now it is the Senate's turn to pass this critical legislation and get it to the President's desk as soon as possible.

I thank Chairwoman STABENOW for her determination to get us to this point. She has been tireless in her advocacy for America's farmers and ranchers and has made it a priority to work in a bipartisan way with Ranking Member COCHRAN to put together a farm bill that strengthens the safety net for our Nation's family farmers, ranchers, and preserves critical food and nutrition programs and brings down the deficit. Senator STABENOW couldn't have been a better partner in this effort, and the same goes for Senator COCHRAN. I greatly appreciate the expertise they both bring to agricultural policy, and I thank them for their leadership.

I thank the ranking member of the House Agriculture Committee, COLLIN PETERSON. No one knows more about agriculture than COLLIN PETERSON, who serves as a representative from my State. He has the longest district in the United States of America, stretching literally from the Canadian border nearly down to the Iowa border. I guess that is why he flies his own plane when he visits the towns. There is no other way to visit many places in one day. It has been a privilege for me to work with Congressman PETERSON on this issue. It is the second farm bill we have worked on together.

I also want to thank my other Congressman TIM WALZ for his service on the conference committee. We worked hard to make sure this bill is strong for our country, for our State, and for the people of America.

Farmers, ranchers, and rural communities in Minnesota have been waiting for this farm bill for more than 2 years. It is a good bill for our State, and it is a good bill for the country. It provides the certainty family farmers need to succeed and thrive, and that is why it has the strong support of both the National Farmers Union and the American Farm Bureau.

That is not to say everyone got everything they wanted in this bill. Some concerns remain about potentially retaliatory actions regarding exports. As the Senator from the State that is first in turkey, second in pork, and sixth in agricultural exports, I will continue to work with the administration and producers to ensure our agricultural policies are implemented in a manner that avoids potential disruptions and ensures agricultural exports remain an American success story.

As a member of the conference committee, I worked with colleagues on both sides of the aisle in the House and the Senate to build on the strong farm bill the Senate passed last year. In the

conference report, we first of all eliminated direct payments and transitioned to crop insurance to help manage risk. We provided $880 million in mandatory funding to promote homegrown energy. We maintained the successful sugar program that is so important to the sugar beet producers in the Red River Valley. We reduced the deficit by $23 billion, making this an important bill for all Americans. We kept nutrition programs strong for Minnesota families. We provided permanent disaster relief for our Nation's livestock producers. We streamlined the conservation programs and still managed to come out with a proconservation bill that is supported by environmental and conservation groups across the country.

I wanted to focus on the disaster provisions of the bill. The disaster provisions are all the more critical when we consider just how much our farmers and ranchers have been through recently—the worst drought since 1956, a devastating blizzard that killed thousands of cattle in my neighboring State of South Dakota, and a wet spring that led to a shortage of alfalfa that hurt beef and dairy producers in Minnesota.

In this farm bill, we ensure that permanent disaster relief will be there for livestock producers that were left stranded when the farm bill expired last September. This assistance will be there for producers when they face the next disaster.

The farm bill also includes an amendment that I led with Senators HOEVEN and HEITKAMP that addresses critical priorities by providing an additional $300 million. This came out of our committee in the Senate before we passed it in the Senate. This $300 million will boost agricultural research, address the backlog of water and wastewater projects, and support energy projects in rural areas.

The amendment also supported funding for conservation projects that can help reduce flooding while protecting wildlife habitat.

The farm bill authorizes a joint study by the U.S. Departments of Agriculture and Transportation to examine rural transportation issues, including captive shipping, something I pushed for—seeing what I am seeing with some of our producers, with our agricultural producers, with our manufacturers that are at the end of the line and are finding they don't have a lot of choice over what rail rates are for that last leg. They many times are being charged outrageously high rates, which makes it difficult for them to produce goods.

Today families and farmers are facing a severe propane shortage in my State. I believe it is more important than ever that we understand the vulnerabilities and shortcomings of our transportation infrastructure so we can ensure that the fuels we need to keep our homes and barns warm are available and affordable.

I fought to include each of these provisions because I believe that if we want to recruit a new generation of farmers and ranchers, then we must take action to improve the quality of life in rural communities. That is why I authored a number of the provisions specifically to recruit beginning farmers and ranchers.

The first would reduce the cost of crop insurance for beginning farmers by 10 percent. The second would make it easier for beginning producers to graze livestock on Conservation Reserve Program acres.

In this bill we put in place a new dairy program that helps dairy farmers in Minnesota and across the country who have struggled with low milk prices and high feed costs. We have probably seen that sector of the agriculture community hit harder than any other. Crops have had their droughts. We have seen wet springs that have hurt many of our farmers. We have seen the blizzard I mentioned in South Dakota which killed our cattle. We have seen trade barriers put up in other countries which shut down the markets. But I would still say the hardest hit of any sector of our agricultural economy in the last few years has been our dairy producers, specifically our small dairy producers. Anyone who has driven through the backroads of Minnesota or Wisconsin understands how important that is to our economy and our way of life.

While this compromise wasn't exactly the deal we had reached in the Senate, it is still a strong deal. It still contains new protections for dairy farmers. I specifically thank COLLIN PETERSON for his leadership in being the architect of this change, as well as the work in the Senate by specifically Senator LEAHY and Senator STABENOW.

The farm bill also streamlines conservation programs from 23 to 13, including the provisions I worked on to help communities in the Red River Valley address flooding. It extends conservation compliance rules to the Crop Insurance Program—something that came out of the Senate bill—and also includes the sodsaver provision that I worked on with Senator THUNE in South Dakota for five or six States—really, the Prairie Pothole States. It protects native lands, native prairie, and helps to preserve our conservation efforts for hunting and for our way of life, particularly in the upper Midwest.

These critical provisions, with the conservation compliance and our sodsaver amendment, are the reason the bill is supported by wildlife organizations including Ducks Unlimited and Pheasants Forever, and environmental groups such as the Natural Resources Defense Council and The Nature Conservancy.

I believe we do right by ourselves when we work to strengthen the farms and rural communities which sustain us every day. Our prosperity depends on it, and this farm bill helps us to do just that. I urge my colleagues to support this very bipartisan farm bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

(The remarks of Mr. COONS pertaining to the introduction of S. 1973 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

STATE OF THE UNION ADDRESS

Mr. BROWN. Mr. President, yesterday at the State of the Union Address by the President, I asked to join me—each Member of the Senate gets a pass, a gallery pass for a spouse or constituent or someone—I asked Elizabeth Dandridge, a Head Start teacher from Cincinnati, to join me and she sat in the gallery—the first time she had actually been in the Capitol. She taught at Head Start for 10 years.

Mrs. Dandridge isn't paid a lot of money. Unfortunately, we don't pay Head Start teachers and Head Start teaching assistants a whole lot more than minimum wage. It is important that people understand that there are a number of low-wage workers in this country.

There is one thing I want to say before I yield to Senator SESSIONS. One of the reasons to increase the minimum wage is that it matters so much to those families who work so hard and get so little for it. President Obama said no one who works full time in this country should live in poverty, and he is absolutely right.

The lesson of history is that 100 years ago this month Henry Ford made an announcement that he would pay every one of his workers—from the sweeper of the factory floor to the worker who assembles the autos—$5 a day. A lot of his business friends were outraged. They couldn't believe he was doing this. He wasn't necessarily doing it out of the goodness of his heart. I certainly don't know his heart. It was a good business decision.

He knew that if he would put $5 a day into his workers' pockets, they would begin to spend that money, it would create more prosperity for the community, a number of those workers might be able to buy cars that Ford assembled, and we would all be better off. That is really what the minimum wage debate is about. It is not only about increasing the minimum wage for those

hundreds of thousands of families in my State who work at such low-income levels. It is also going to help the economy in the State of Delaware, the State of Alabama, and the State of Ohio.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the flood insurance program is important to a lot of Americans. It is important for my constituents in Alabama, and they are concerned about it. The reform that has been passed into law is fundamentally the right approach to fixing the difficulties that we have, in my opinion. It moves this program from a big subsidy to a program that is actuarially sound and self-sustaining. I think that is the appropriate goal.

I think at some point a person living in the interior of the United States should not be required to have money extracted from him or her or from their family to pay for somebody who built their house on shifting sands on a beach somewhere. That is my view of it. There are people who might find themselves unexpectedly in a dangerous circumstance where floods may occur rapidly or may not occur for decades.

In my hometown of Mobile, a number of years ago they had a big flood problem. A lot of homes were damaged. They said it was the 100-year flood, and there was a lot of concern for everybody. I think a lot of people didn't have flood insurance. The next year it flooded again so they had two 100-year floods in two consecutive years. I say that because it is very difficult to manage a program like this in a sound way and to fully anticipate all of the dangers.

What I am hearing from my constituents is that premiums are going up rapidly—very high for some people. It has gone up multiple times from what the present premiums are currently. There is little time to protest or get a clear review of it, and they think this ought to be more thoughtfully done and phased in in a more effective way.

I tend to believe that, but I do not intend to support legislation that would fundamentally undo, reverse or retreat from the principle that was established when we passed legislation in 2012 that provided for the sustainability of this government program—the Flood Insurance Program. I think that is the right principle. It doesn't have to be done overnight. But, it does have to be done more carefully. It doesn't need to be done in a way that hard-working Americans who are struggling to get by find their flood insurance premiums—which they must have before they can get a loan to buy a house in a flood-prone area—doubles, triples or quadruples, and it can be virtually as much as their house payment. This is the problem we are facing.

My colleague Senator COBURN has raised a budget point of order against the legislation, and I think the budget point of order is well taken. The chairman of the Budget Committee, Senator PATTY MURRAY, and her staff, have agreed that the legislation violates the budget, and I, as the ranking Republican on the Budget Committee, certainly agree with that.

There are two aspects of the budget point of order. Maybe I can summarize it. There is probably more to it than this, but in essence we can say two things about it. One, the bill spends more than the Banking Committee was authorized to spend; that creates a violation of the budget in itself. The other violation is that the underlying bill adds to the debt. It spends more money than we have, and the result would be to add to the debt of the United States.

What the bill's supporters have done is come before the Presiding Officer and moved to waive all budget violations. They say this legislation is so important that we should just waive the violations and not worry about it. I believe we need to worry about the budget, and we need to think about it. There may be occasions when the budget point of order should be waived when we go forward, and there will be points in time when it should not be waived.

My view is that we should not waive all budget points of order. I do not believe that is the appropriate vote at this time. We imposed a budget. We promised to limit spending to certain amounts, and we should stay within that and not add to the debt. I feel strongly that we ought to adhere to the budget and not go around waiving it any time somebody wants to spend more money and thereby weaken the commitment we made to the American people when we established certain limits on spending.

Both Houses of Congress have adopted it, and we passed it by law. The President signed the legislation that sets spending limits. This bill violates those limits.

I have given thought to this, and maybe good people will disagree. This is my view of it. We should not spend more on the flood insurance program than was projected and agreed to and add to the debt of the United States of America. We absolutely should not do that.

We should not reduce the constraints we placed on the Federal flood program so we can spend more money and then borrow the money to pay for that extra cost. That is not what we should do. This budget point of order would allow that to happen. The motion to waive the budget objection raised by Senator COBURN—waiving that and all objections to the bill would waive that.

There appears to be a second violation, and that violation is that it spends more than the Banking Committee was authorized to spend. I think that is a somewhat different issue. Some might disagree under these circumstances. I think that aspect of a budget point of order could be waived, and this is why. Under the law adopted by this body in 2012, the flood insurance program is to be moved to a fully self-sustaining actuarially sound program where all the premiums that come in are sufficient to pay all of the claims that go out—like any other insurance company in America tries to operate. That is the principle that Congress—both Houses—established when they passed the reform in 2012.

I don't think it is necessarily to be considered a tax increase or a violation of the budget if this insurance program, which is part of the Banking Committee's jurisdiction, results in increased premiums to ensure that the program, while it is transitioning, remains sound and is ultimately paid for. I think that is the kind of waiver that may be justified.

I am really impressed with Senator TOOMEY and how hard he has worked on his legislation to create an alternative to the base legislation that is before us today, which I don't think can be justified because it adds to the debt of the United States. We don't need to add to the debt. Every time somebody has a problem and then proposes a solution, the tendency is to not find reductions in spending somewhere to fix the problem that they have. They look around and see if they can just borrow the money and not pay for the extension.

I support Senator TOOMEY's approach to solving this problem. I mean, his amendment would require a surcharge on all new NFIP policies, but it would not add to the debt because the additional spending is paid for by the surcharges that are in turn paid for by NFIP policy beneficiaries. It is not taxing the American citizens to subsidize a group of people who have flood insurance when the general citizenry does not have flood insurance.

It is an increased fee on the people who benefit from flood insurance in the short term to transition this flood insurance program to the more rigorous self-sustaining program from the one that is not self-sustaining or is rather draconian in the way it is being implemented.

I think Senator TOOMEY's legislation may not be perfect, but I believe his legislation is actuarially sound. It raises sufficient revenue from the people who benefit from the flood insurance program to transition in a more gentle and logical and reasonable way to the new program. It would transition it in an effective way.

It does not—according to the people who really understand this—threaten the integrity of the reforms that have been voted into law.

I think a good case can be made that the base legislation before us today violates several budget points of order and is drafted in a way that threatens the very integrity of the reforms we approved in 2012. We should not do that. We should not weaken the commitment we made as a Congress in any way that would lead us in a situation in which we don't follow through on the commitment we had to make sure that flood insurance becomes actuarially sound and self-sufficient.

For what it is worth, I will share with my colleagues my belief that we should not waive all budget points of order, although there may be a possibility that we can waive the budget point of order with regard to the spending limit because, should we adopt the Toomey amendment, the flood insurance program's indebtedness would be alleviated by placing a fee on the insurance policies which benefit the very people who receive the flood insurance subsidies.

I appreciate my colleagues Senator MENENDEZ and others who are striving to alleviate some of the harsh results of the transition of the current law, but I think their proposal runs a risk of abandoning the commitments that we made, and I believe their plan would add to the debt.

I think the Toomey amendment would be the preferable way for us to meet the problems of this very rough transition period we are in without adding to the debt and without threatening to abandon the good goal of an actuarially sound flood insurance program.

I yield the floor.

LOWER RATES

Mr. LEVIN. Mr. President, the State of Michigan has traditionally been a donor State with regard to the National Flood Insurance Program. Over the life of the program, Michigan residents have paid far more in premiums than they have received in benefits. It was my understanding that the flood insurance reform measure that was passed last year was designed to make the program more appropriately reflect the true flood risks for insured properties. With the phaseout of subsidies for some high-risk properties, many Michigan residents expected last year's reforms to lead to a better balance between donor and recipient States and potentially lower rates for Michigan residents whose properties are lower risk.

I ask, is it correct that the bill before us, S. 1926, if passed, would not prevent rates from decreasing if that rate would have decreased under current law?

Mr. MENENDEZ. Yes, the Senator is correct. This bill will freeze the eligibility for some subsidized properties that are required, under current law, to move to risk-based rates. But freezing the eligibility for some properties will not prevent any property owner from obtaining an elevation certificate and having their rate lowered to account for a lower risk reflected in the elevation certificate.

Mr. LEVIN. Thank you for your assurances.

The PRESIDING OFFICER (Mr. BROWN). Under the previous order, the question is on agreeing to the motion to waive.

The yeas and nays were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: The Senator from Indiana (Mr. COATS).

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

The yeas and nays resulted—yeas 64, nays 35, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—64

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

NAYS—35

Alexander	Fischer	McConnell
Ayotte	Flake	Moran
Barrasso	Graham	Paul
Boozman	Grassley	Portman
Burr	Hatch	Risch
Chambliss	Heller	Roberts
Coburn	Inhofe	Rubio
Corker	Johanns	Sessions
Cornyn	Johnson (WI)	Shelby
Crapo	Kirk	Thune
Cruz	Lee	Toomey
Enzi	McCain	

NOT VOTING—1

Coats

The PRESIDING OFFICER. On this vote, the yeas are 64, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion to waive is agreed to.

Mr. REID. Mr. President, we are going to have three more votes tonight. I understand they are going to be voice votes. We have made significant progress with this important piece of legislation. The next vote will be at 11:15 tomorrow. We expect to have the final vote on this bill tomorrow at 2 o'clock.

VOTE ON AMENDMENT NO. 2703

The PRESIDING OFFICER. There is now 2 minutes equally divided on amendment No. 2703 offered by the Senator from Rhode Island, Mr. REED.

Mr. REID. Mr. President, I understand pending amendment is the Reed amendment. I also understand it will be accepted by voice vote. I yield back my time.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2703) was agreed to.

Mr. MENENDEZ. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2706

The PRESIDING OFFICER. There is now 2 minutes equally divided on amendment No. 2706 offered by the Senator from Rhode Island, Mr. WHITEHOUSE.

Mr. WHITEHOUSE. Mr. President, I hope my colleagues will vote enthusiastically for this amendment. Across the country, communities and local organizations are trying to revive rivers that have been dammed and blocked. When they go forward to remove a dam, when they go forward to put in a fish ladder, when they redesign a culvert to allow for water passage, they have to file a flood plan.

FEMA requires them to pay a fee to have that flood plan assessed. The fee is almost always waived. But they still have to go through the waiver process, which costs money and frankly can be as burdensome as simply paying the fee. This eliminates that fee. It eliminates that part of the process and allows towns and small organizations more readily to come to the aid of our old small rivers.

I think this is something we should be able to agree on with great strength. It is noncontroversial. I urge my colleagues to vote yea.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2706) was agreed to.

Mr. MENENDEZ. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. GILLIBRAND. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment is pending.

VOTE ON AMENDMENT NO. 2708

Mrs. GILLIBRAND. Mr. President, my amendment is very simple and common sense. Many homeowners who live across the United States live in homes that simply cannot be elevated in order to protect or reduce flood risk because of their inherent structure. This is a problem that is true for cities in New York, cities in New Jersey. In reality, if you live in a brownstone or you live in an apartment building, you cannot raise them to protect against flood damage.

To fix this problem, all my amendment does is require FEMA to provide a uniform set of guidelines describing FEMA-approved methods of mitigation such as flood-proofing or using flood-proof building materials to help those homeowners reduce their risk of flood damage. For example, do not leave computers and electrical equipment in your basement. Bring them to the first and second floor.

Those kind of simple flood mitigation changes can easily save enormous amounts of money and the risk of flood damage from flooding. The amendment also requires FEMA to consider any actions taken by homeowners to implement the methods identified in those

guidelines when calculating flood insurance premium risk rates. By providing a clear set of mitigation guidance for homeowners, this amendment will help homeowners with more options to reduce their flood risk.

I urge my colleagues to support this amendment. I believe it is noncontroversial.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2708) was agreed to.

Mr. MENENDEZ. Mr. President, I move to reconsider and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I know we are scheduled to take the final votes on this bill tomorrow morning and final passage at 2. I just wish to thank all of the colleagues who were so cooperative today discussing and moving through these amendments. I appreciate the cooperation—bipartisan cooperation, open debate process. I think it has been very helpful. I think we are building a better flood insurance program for the country, which is our aim.

I thank Senator MENENDEZ and Senator ISAKSON for their leadership today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, this is the 56th time, the 56th consecutive week that we have been in session in the Senate that I have come to the floor to sound an alarm about carbon pollution and the harm it is causing to our oceans and to our coastal communities—the 56th time. Frankly, I am getting a little sick of it. I am getting sick of the Republican Party being completely the tool of the polluters. I am sick of the phony denial and of not getting anything done. I am sick of what it is going to say about American democracy if we keep failing at this.

But I am going to keep pounding away because it is so vital to my ocean State. We are a little State with a lot of coast. Our sea level is rising, driven by faraway melting glaciers and everywhere expanding sea water. As oceans warm, the water expands. That is what liquids do. Deniers look up thermal expansion of liquids and deny that.

The most recent Intergovernmental Panel on Climate Change report projected that sea level will likely rise 1½ to 3 feet by 2100 if we do what the polluters prefer and ignore the clear scientific evidence. By the way, that is a conservative number.

These rising sea levels hit coasts hard, particularly when storms beat those seas against our shores. It is not just me saying that, we are supposed to listen to the nonpartisan Government Accountability Office around here. A 2013 GAO report on climate change effects said this:

> Storm surge, combined with sea level rise, is projected to generate a wide range of negative impacts on roads and bridges. For example, storm surges are projected to increasingly inundate coastal roads, cause more frequent or severe flooding of low lying infrastructure, erode road bases, and ''scour'' bridges by eroding riverbeds and exposing bridge foundations.

People from polluting States may think that is funny, may think that does not matter, but to a coastal State such as mine this is a serious threat. This chart shows the worldwide measured change in sea level. This is not some theory—measured change in sea level—as well as a number of different models projecting future sea levels.

We can see that sea level has been steadily rising over the past 130 years, generally consistent with human fossil fuel use. Between 1901 and 2010, sea level rise was estimated at 1.7 millimeters per year. Recently updated satellite measurements from the University of Colorado Sea Level Research Group show a rise of 3.2 millimeters per year from 1993 to 2013.

The rate of increase has already nearly doubled. According to the IPCC, that rate is likely to accelerate. In Rhode Island, our tide gauge in Newport shows an increase in average sea level of nearly 10 inches since 1930. Consistent with the global trends, measurements at our Newport tide gauge show that the rate of sea level rise has also increased in the past two decades.

Local coastal erosion rates have doubled from 1990 to 2006, and some freshwater coastal wetlands are already transitioning to salt marsh from freshwater as they are inundated by the sea.

Our Rhode Island Coastal Resources Management Council has documented 160 feet of shoreline lost to erosion in the town of South Kingstown since 1951, a rate of 3 feet per year. A steady 3 feet per year is one thing, add a storm and surges can wipe up whole swaths of land at once, as we saw with Superstorm Sandy.

We can see the erosion here. Back in 1994, this beach pavilion was set back a good way from the water. By 2012, here, the ocean was just a few feet from the structure. This is the roof that is here. This is the framing that is here. This is the very beginning of this walkway back here. There is the ocean. The ocean has moved from here essentially to there. Roads and other infrastructure that were once a safe distance from the shoreline were also battered by this terrible storm surge and wind.

The small, vibrant coastal town of Matunuck, RI, is under siege from the advancing ocean. This chart shows how far the shoreline has shifted since 1951. Here is the 1951 shoreline. This is the 2012 photo, showing how much the sea has risen and eaten against the shores. In the last dozen years, beaches have eroded 20 feet.

The community now faces difficult decisions. The only road connecting Matunuck to neighboring towns is protected by only about 10 feet of sand now. The road provides access for emergency vehicles residents may need. Underneath it lies their water main. If carbon dioxide emissions continue unchecked, another 5 feet of projected sea level rise is a real possibility after the year 2100.

Matunuck's projected coastline with 5 feet of sea level rise can be seen in red. These are all houses. This is Roy Carpenter's Beach. These houses have been here in some cases for generations and they are tumbling into the sea as the ocean encroaches on them.

This is famous Newport Harbor. In Newport, 5 feet of sea level rise would inundate large portions of our vibrant downtown area, including America's Cup Avenue, right here; including the Long Wharf Shopping Center, which would be about here; and including the famous and historic Cardines Field, a great old baseball field.

Goat Island will be only a few specks of land. This is what 3 feet of sea-level rise would look like in Newport. Perrotti Park is gone. The Ann Street Pier is gone, not to mention the Newport Harbor Master's office. He will be a lot closer to the harbor when it is pouring through his windows than he is right now. Wherever Rhode Island meets the sea, our homes, communities, and our very economy are at stake.

Yet in Congress we sleepwalk, lulled by the narcotic influence of the polluting special interests. No wonder I am frustrated.

When my colleagues say they are worried about job loss in the polluting coal and oil industries, I am willing to listen. I am even willing to help, but I am not willing to stand by while this is happening in my home State and have us pretend it is not even real.

Rhode Island, of course, is not the only region experiencing sea-level rise, coastal erosion, and economic disruption. Rising seas concern coastal regions across the country. With over 1,000 miles of coastline, Florida is at grave risk from sea-level rise.

According to the World Resources Institute and an article published in ''Environmental Research Letters,'' of all the people and housing in America threatened by sea-level rise, 40 percent is in Florida. That is because in Florida the flooding won't just be along the coast; low-lying inland areas are also at risk. That is because Florida is built on porous limestone.

In New England, on our rocky shores, we could perhaps build levees and dams in some places to hold the oceans back. In Miami, they would be building those structures on geological sponge. The water will seep right under. Using the best available science, the Southeast

Florida Regional Climate Change Compact assessed the risk to four south Florida counties of sea-level rise. In those counties, 1 foot of sea-level rise would endanger approximately $4 billion in property. In Monroe County, three of the four hospitals, two-thirds of the schools, and 71 percent of emergency shelters are endangered by a 1-foot sea-level rise.

Go to 3 feet of sea-level rise in these counties. That would endanger approximately $31 billion worth of property. That is a lot of infrastructure at risk.

This map shows 3 feet of sea-level rise in Miami-Dade County. The map on the left shows current elevation in southern Miami-Dade compared to 3 feet of sea-level rise on the right. These blue regions go underwater. They have lost acres upon acres of that city.

This nuclear power station, Turkey Point, and this sewage treatment plant are virtually cut off from dry land. Yet what do we hear from our Republican colleague from Florida? Denial, right along the polluter party line.

Louisiana is teed up for the worst storm surge by the warming, rising waters of the Gulf of Mexico. According to a U.S. Geological Survey-led study, between 1985 and 2010, Louisiana lost a football field an hour of land and wetlands to coastal erosion.

A recent poll shows that Louisiana voters understand and want action on climate change. Seventy-two percent of Louisianans believe climate change is a serious problem that threatens everyone. It is hitting their lives and yet our Republican colleague from Louisiana offers streams of denial.

The State with the most coastline is Alaska. Another U.S. Geological Survey study shows that coastal erosion of a 40-mile stretch along the Beaufort Sea has climbed from 20 feet per year between the mid-fifties and late seventies to 28 feet per year between the late seventies and two thousands and now has doubled to more than 45 feet per year between 2002 and 2007.

Climate change is one of several factors at play and is contributing to this accelerating loss.

Earlier this month our Bicameral Task Force on Climate Change, which I lead with Chairman WAXMAN, welcomed Alaskans from the town of Shishmaref, an Inupiat Eskimo village located on a small barrier island 5 miles from mainland Alaska, to hear from them how climate change is affecting their homes. Their houses are literally falling into the sea thanks to sea-level rise and coastal erosion. Their centuries-old culture is crumbling away with each wave. This is a house in Shishmaref. This is a house at Roy Carpenter's Beach in Rhode Island. We can see how we sympathize with the town of Shishmaref.

In Alaska, Shishmaref is not alone. A recent GAO report showed that 31 Alaskan villages are at risk. The 12 red dots shown are villages that are now considering relocating completely. According to the U.S. Corps of Engineers, relocation costs are estimated at $100 million to $200 million for Shishmaref, and other villages could face similar costs.

Stanley Tocktoo is the former mayor of Shishmaref. He came to our hearing and said:

> No matter your politics, you can't ignore the facts. The facts are that our village is being impacted by climate change on a daily basis. And we need you to do something about it.

He said:

> No matter your politics, you can't ignore facts.

The painful truth, Mayor Tocktoo, is that in Congress, if you have certain politics, you are actually obliged to ignore the facts. You are required to ignore the facts. Your big-money people—the big polluters, the Koch brothers—insist on it. They demand that you ignore the facts.

Citizens United, that God-awful Supreme Court decision, means that the big polluters' big money can drown out in elections—particularly in Republican primary elections—every reasonable person, Republican, Independent, or Democrat, who understands that we need to act. The party on the other side is stuck, trapped by the campaign finance rules and the big money of the big polluters.

We could, in Congress, be awake, helping and meeting the call of duty. We could be working with the President to implement his climate action plan.

The Environment and Public Works Committee, under the strong leadership of Chairman BARBARA BOXER, recently held an oversight hearing on the President's climate action plan. What did we get in that hearing from our Republican colleagues? Denial, quarreling, and obfuscation—the polluter party line.

They actually brought in, as a Republican witness, a person whose organization took money from the Koch brothers, Exxon, and from other far-right and denier foundations, including the notorious Donors Trust and Donors Capital Fund, which launders money from big donors who want to remain anonymous.

If people have not heard of this Donors Trust and Donors Capital group, a recent report out of Drexel University described this group as the ''black box that conceals the identity of contributors,'' the ''central component,'' and ''dominant funder'' of the denier apparatus. This was who they chose as their witness.

We could, in Congress, be figuring out how a carbon pollution fee—one that returns all of its proceeds back to the American people—could best boost our economy, as some prominent Republicans have suggested. But I sent a letter to my Republican colleagues summarizing the Republican case for a carbon fee and not one responded.

The polluters have the Republican Party at their heels. It is a tragic state of affairs for a great political party.

Carbon pollution from the burning of fossil fuels is altering the atmosphere and oceans. It is changing our climate. The scientific consensus around this fact is overwhelming. Denial at this point is propped-up polluter-paid nonsense. Where carbon pollution hits the oceans, denial requires people not only to reject science but to reject measurement. We measure sea-level rise. We measure ocean warming. We measure ocean acidification. It is not complicated. We measure sea-level rise, more or less, with a yardstick. We measure ocean warming with a thermometer; we measure ocean acidification with simple litmus tests that everyone with an aquarium is familiar with.

Yet despite that incontrovertible evidence from our oceans, we sleepwalk on in Congress, thanks to a great political party's captivity by polluters. It is a disgrace. It will go down in history as a disgrace.

We could strengthen our economy, we could save our great coastal cities and our age-old island villages, and we can leave things better, not worse, for the generations that will follow us, but we have to pay attention to reality. We have to pay attention to the real evidence. We can't be swept up in the toxic polluter-paid politics that infect Washington.

This matters immensely to Alaska. It matters immensely to the citizens of Shishmaref. It matters immensely to the residents of Florida who are looking at their cities; and it matters immensely to Rhode Island, the Ocean State, because the undeniable changes from sea-level rise and warming are upon us and will only worsen. For once and for all, it is time for us to wake up.

Mrs. BOXER. Would the Senator yield through the Chair for a colloquy?

Mr. WHITEHOUSE. I yield to the Senator.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. First I wish to say how proud I am to listen to the Senator's words, to have him on the committee I am so honored to chair.

To learn today that the Senator made over 50——

Mr. WHITEHOUSE. Fifty-six.

Mrs. BOXER. Fifty-six presentations on the floor of the Senate, regardless of the hour, regardless of his other pressing needs, the Senator is making the record that we must act to prevent the worst and most catastrophic occurrences from climate change.

I wish to ask of the Senator a few questions because we have gone through a lot of these battles in the committee, and I think it is time that people knew what happened. I am going to see if we can put something in the RECORD.

The Senator pointed out putting a price on carbons as the way we need to move. The Senator also pointed out that many countries outside of the United States support it. Would the Senator please tell us, because he has mentioned this before, who are some of the leaders of the Republican Party?

Mr. WHITEHOUSE. One of the most prominent ones is George Shultz, who served with great distinction, I believe, under three Republican Presidents.

Mrs. BOXER. True.

Mr. WHITEHOUSE. I ran into him in the last 10 days and I said: Thank you for your work on carbon. It is important. He said: It is important. I said: We have to do a carbon fee. He said: Revenue neutral. I said: Yes, we have to do a revenue-neutral carbon fee.

Revenue-neutral carbon fee means that the money that is generated by the polluters pays for the harm they do to do to all the rest of us, which they otherwise get away with for free, and it goes back to the American people. It is revenue neutral. It doesn't go into the government and raise the size of government. It goes right back. We could do it by lowering taxes, by paying off every student loan in the country. We could do it by giving seniors on Social Security a raise. What a good discussion that would be, to be having right here. But we can't have that discussion because the other party is trapped by the polluters—trapped in their politics, trapped by their money.

Mrs. BOXER. The point I am making is the Senator points out one very prominent Republican, but there are many more. I remember when I started out in politics, I was a county supervisor. The environment was the one issue—one or two, the other one was a woman's right to choose. Those two issues were so bipartisan that we all came together. When we ran for county supervisor, we didn't have a label. We ran just as an independent person. But everyone backed the constitutionally protected right to choose and everyone backed cleaning up the environment.

So the Senator has described what has happened and he has used some very colorful language from time to time, but I thought one of the things he recently said—and I want to make sure I quote it right—is that it is like this Capitol is surrounded by the lies of the polluters and we can't get the truth into this Chamber.

The Senator actually says it better.

Mr. WHITEHOUSE. They have erected a barricade of lies, Madam Chairman. They have erected a barricade of lies, and it is supported by an avalanche of money. If you go outside that barricade, you see enormous support for getting something done about climate.

Just to give the example of our corporate community—Coke and Pepsi, the Mars corporation, which makes M&Ms and Mars bars, Ford and GM, Apple, Nike, Walmart, on and on—we can go through the signal American corporations, the heraldry of the American corporate world, and they are ready to get something done. But there is enough money that gets thrown by the polluters and enough threats made by them in Republican primaries that our colleagues are trapped. Unless we build a coalition that gets them a way out, that barricade will continue to inhibit progress on this issue in this building.

Mrs. BOXER. Right. The dilemma we face is the window to act is closing in on us. The Senator showed some extraordinary photos. One is up there now. We see that already climate change is creating climate refugees.

There was a movie done called ''Climate Refugees,'' and it went out to the island nations of the world that many people never even knew existed. The folks there, because of the sea level change and the change in the weather and the fact that they can't grow the crops they used to and they can't rely on water, et cetera, have to be leaving their homes they have lived in for generations.

What the Senator is saying is so sad and shocking. It looks to me as though he is having that in his own State.

Mr. WHITEHOUSE. My colleague's point, that this used to be a bipartisan issue, is actually illustrated by this photograph. This is Roy Carpenter's Beach. It is a beach that got probably hit the hardest. There were some bigger, older houses that got washed away down the shore, but this has a lot of these smaller houses that families have held onto for generations. After Sandy, with the sea level rise and then the storm, together, they knocked them into the water this way.

This individual right here is Lincoln Chafee. That is Governor Chafee. He served in this body as a Republican, and he was one of the staunchest environmentalists in this body. If you go back further, his father John Chafee served as the chairman of the Environment and Public Works Committee. He was one of my colleague's predecessors, and he helped lead the passage of the Clean Air Act and the Clean Water Act, a Republican, and he was proud of it. He didn't hide from it.

It wasn't something the Republican Party had to run away from in those days. Try to find that in the modern Republican Party. It is embarrassing what has happened to a great political party.

Mrs. BOXER. Senator WHITEHOUSE raises the name of John Chafee and Lincoln Chafee. I was friendly with both of those Chafees, John being my chairman, a role model for me. I literally learned from him. Not only was he a leader on the environment, he was a leader on so many other issues: sensible gun laws—sensible gun laws.

Something has happened to the Grand Old Party. Somebody once said maybe they are the formerly Grand Old Party. But I have hope they will return and be the Grand Old Party, because I was here when we had leadership on the other side for a climate bill. We fell just a few votes short. If we hadn't had a filibuster, we would have nailed it.

Putting a price on carbon is the only way to go, and my colleague makes the case because there is a cost. What is the cost? We see it. This is the cost. Yet those who are putting this dangerous pollution in the air don't pay anything for it. As a matter of fact, they get subsidies still.

The Senator and I sometimes talk offline here, and we say we are very calm when we speak here because we know we have to have a sense of decorum, but inside a lot of us are churning, because we love our children and we love our grandchildren and we love this Nation and we want to be leaders and we want our Nation to lead. Yet we are having a terrible time. We have a situation where 97 percent of scientists say climate change is happening and we know exactly why. It is human behavior.

Our friend ANGUS KING gave a remarkable presentation to the caucus the other day, making the point that Senator WHITEHOUSE made, which is that this isn't conjecture, this is science. This is measurement. You measure it. You see it. You know what is happening. This isn't like when you are hit with a tragedy and you don't want to look at it; you lose somebody and you are in denial about it. We understand that, how the human mind would do that. But this is science, and it is very difficult.

I wanted to ask a couple more questions. I am truly enjoying this colloquy. It reminds me of the old days when this used to happen more in the Senate.

My friend mentioned the President's Climate Action Plan, and he talked a little bit about it yesterday. He said some very good important things about it. But I want to know if my friend is aware there has already been filed by the minority leader here, the Republican leader, a CRA—that is the Congressional Review Act—to overturn a rule that would in fact put in place some very important pollution controls on new powerplants.

Does my friend, A, know he has filed this? Does my friend also know the rule isn't even finalized, yet the Republican leader has filed this? What does the Senator make of that?

Mr. WHITEHOUSE. If the underlying problem weren't so serious, it would be laughable that they are already challenging a rule that has not even been promulgated yet. They are sort of prechallenging it. It just shows what a pell-mell tumble our Republican colleagues will subject themselves to in order to keep in the good graces of the polluting industries. Again, it is embarrassing. It ought to be embarrassing.

But I think there is hope. One of the signs of hope is the polling information among young Republican voters. Young Republican voters under the age of 35—not very young but young Republican voters under the age of 35—when asked about climate denial and asked what their view is of people who espouse climate denial say they think they are ignorant, out of touch or crazy. That is the young cohort of the Republican Party. That is what it believes.

So time, obviously, is on the side of reason and science and the plain evidence people see in front of their noses across this country, whether they are farmers, fishermen, hikers or skiers. Anybody who has contact with the outdoors understands this is absolutely real. It is only people in this little hot house of polluter-paid intrigue that the denial strategy still stands up, and it is our job to knock it back down.

Mrs. BOXER. Absolutely. I think the other point the Senator made is tying this all to Citizens United and the fact that these polluters are only focused on this: They do not want competition. Let us be clear. These multinationals do not want competition. The fact is they see solar on the horizon, wind, geothermal, clean energy. They even see natural gas, which has, if it is done right, half of the carbon pollution, and they are holding on through this ride of the century. They will not work with us. It is more than sad.

But I will say this in closing my remarks tonight. We have a new energy, if you will, in this body. We have more than 20 percent of this Senate that has formed together in our action task force that Senator WHITEHOUSE and I are heading. We are going to take action. We are going to be heard. We are going to wake the Congress, which is what has to happen.

I want to say to my friend how much it means to me—someone who felt pretty much isolated on these issues for a while—and how important it is that even though my colleague said—and I quote him—you were sick of coming down and speaking, I hope you will not get sick of it. I hope you will not get tired of it. I will predict, and the Senator knows I am right, a lot of us are going to be joining him pretty soon. So not only will my colleague's voice be heard but many other voices will be heard and that will echo around this Nation.

There are so many issues we have to deal with. Lord knows, we so agree with the President on strengthening the middle class. We so agree that we need to confront the challenges of deficits and jobs and education and health care. By the way, from my State, that is going gang busters—the Affordable Care Act, ObamaCare. We are signing up thousands of people a day. It is moving the country forward. But with all these issues we have to deal with, we have to save the planet. We have to save the planet.

I do have another question for my friend. Some of our colleagues say: Oh, you see this freezing cold and all the snow, this proves there is no climate change. There is no global warming. It is freezing. Of course, the scientists I talk to are telling me they predicted extreme weather. That is what they predicted.

Look at what happened in poor Atlanta today, where there is this schoolbus that has been sitting out on the road, somebody said, from 4 yesterday until 8 this morning. These people are stuck because of an unexpected icy snowfall. Here is the thing. It is called a vortex. The reason it happens, as explained to me by the scientists—and one of them just came onto the floor now—is that the jet stream has changed so much because of the warming in the Arctic so that instead of holding up that cold air in the Arctic, the cold air is turning around and coming back down, and we haven't seen that in a while.

So you can't just say it is cold today, there is no climate change. If there is extreme weather—and we have it in California. We have a drought we have never, ever, ever seen. I went through the one in the 1970s. I remember that, where we used the water in the tub to flush the toilets and we tried to recycle the water from our dishwashers and washing machines. But we have a worse situation, and it was predicted.

So I wish to ask my friend, because he has done so much reading, is it not true this extreme weather was predicted in the U.N. reports and in many other reports?

Mr. WHITEHOUSE. Absolutely. Indeed, years ago one expert in this area wrote that, in terms of the experience that people would have—yes, the planet is warming—but the experience that people would have wouldn't be just of warming. It would be of weirding weather—weird weather—and truly the better name would be not global warming, but it would be global weirding. That is because, very simply, when you add energy—heat energy in this case—to a closed system by trapping it with more carbon dioxide in the atmosphere, you speed things up. You make storms stronger, you change weather patterns, and you see things that you have not seen before.

So the things people are seeing now—not specifically and not that storm, but the patterns that people would see more extreme weather of various kinds—were indeed predicted. The fact that it is happening is exactly consistent with what the scientists have been warning us about.

Mrs. BOXER. It is so because it was 7 years ago when I took the panel. I think it was 7 years ago that I took the gavel—I don't even remember; time goes so fast when you are having fun—I took that gavel and the first thing we did is we had a hearing on climate.

By the way, I urge my colleague, you should see—we put together a Green Book of all of my colleagues' statements—how many Republicans were with us then. Olympia Snowe had a great piece in there. JOHN MCCAIN had a great piece in there. Judd Gregg had a great piece.

Mr. WHITEHOUSE. John Warner.

Mrs. BOXER. John Warner had a great piece in there, and others. It made me so proud.

At that hearing we had all these experts talk about the fact that, over time, temperatures would go up. But in between, as you say, it is not a matter of the weather that day, but it is the pattern over time and what happens over time. You have these extremes but over time the warmth kicks in. We are seeing it happening. The American people are smart. They get it.

We are just not going to let up. As calm as we sound now, that belies what we feel inside and the obligation that we have to act. I guess this is as good a time as any to tell the American people they will see more of us, and more colleagues will work on this.

I thank Senator REID because Senator REID has elevated this issue in our caucus, devoting more time to this issue. He cares about this. He is a wonderful family man with a lot of grandchildren. He wants to give them what so many of us have had—the beauty of this country, the livability of this country. There will be more of this to follow.

I ask my colleague if he wants to close, and I yield to him.

Mr. WHITEHOUSE. I thank the chair for her staunch leadership. She is such an ally and leader for us. It really is very exciting, and, yes, you will see considerably more activity.

I will close by telling one personal story because very often you are dealing with statistics, and you are dealing with figures, and you are dealing with things that are happening on a large scale when you talk about climate change.

I remember this day. I remember this day, walking along and meeting with these homeowners whose houses these were. I remember talking to the lady whose house—I think this one was right here—the Governor is looking into.

She remembers, as a child, being in that house. In front of this house she had a lawn, a lawn where they could throw Frisbees and play Wiffle ball.

On the other side of the lawn was a road that gave access along the shoreline, a sand road. On the other side of the road was a parking lot where people would come and bring their cars, and on the other side of the parking lot was the beach that was so long down to the water, and she could remember running as a kid. You know, when the summer Sun beats down on the beach and the sand gets so hot that it hurts your feet, and you have to dash to get your feet into the water because they are hot, hot, hot as you run when you are a little kid? And she would make that long run and think what a long run it was to get down that hot sand and into the cool, clear waters of Narragansett Bay.

That beach is gone. That parking lot is gone. That road is gone. Her lawn is gone, and this is what has happened to her house.

If people want to know why we are not going to give up—yes, I am sick of it. I am sick of having to come here and do this. It is tiresome to have no progress and have people not listen and have it be because of, frankly, scandalous polluter-paid interference and influence in this building. Yes, I am

sick of it. But I am not going to stop, not while this is happening to my home State of Rhode Island.

I yield the floor.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

UNANIMOUS CONSENT AGREEMENT—S. 1926

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that following leader remarks on Thursday, January 30, the Senate resume consideration of S. 1926, with the time until 11:15 a.m. equally divided between the two leaders or their designees, with the final 10 minutes equally divided between Senator MENENDEZ or his designee, and Senator TOOMEY or his designee, with Senator TOOMEY controlling the final 5 minutes; that at 11:15 a.m., the Senate proceed to votes in relation to the following amendments: Toomey amendment No. 2707, as modified; Coburn amendment No. 2697; Merkley amendment No. 2709, as modified; and Heller amendment No. 2700; further, that upon disposition of the Heller amendment, the Senate recess until 2 p.m.; at 2 p.m. when the Senate reconvenes, the Senate proceed to vote on passage of the bill, as amended; finally, there be 2 minutes of debate prior to each vote, equally divided in the usual form; and that all after the first vote be 10-minute votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

CONGRATULATING MARVIN H. SIMPSON, SR.

Mr. REID. Mr. President, I rise today to congratulate Mr. Marvin Simpson, Sr., on his nearly five-decade service to the United States Senate and the Capitol Hill community.

Marvin began his career 48 years-ago in the Office of the Architect of the Capitol as a temporary messenger. He quickly rose to a permanent position as messenger for the Senate Office Building. He held many positions within the Office of the Architect of the Capitol, including laborer foreman and the head of the Furniture Division. In 1998, Marvin was promoted to assistant superintendent, Tenant Services Division where he served with distinction until his retirement.

His leadership overseeing paint, upholstery, wood crafting, masonry, sheet metal and furniture branches has been exemplary. Marvin has been called an ambassador to the Senate office buildings and has provided Senators, our staffs, and the entire Senate family unmatched craftsmanship.

His institutional knowledge and work ethic will be greatly missed. I join with my colleagues in wishing Mr. SIMPSON all the best in his well-earned retirement.

EQUAL PAY ACT ANNIVERSARY

Ms. MIKULSKI. Mr. President, today I come to the floor to recognize an important anniversary. Five years ago today, President Obama signed the Lilly Ledbetter Act into law. This important law has kept courthouse doors open to allow women to address pay inequality by correcting a misinterpretation by the Court on the statute of limitations when women seek redress. But the fight for equal pay continues, and we need to take action to fix the pay gap, which is what I want to discuss today.

On June 10, 1963, President Kennedy signed the Equal Pay Act into law. This landmark legislation prohibited discrimination on the basis of sex in the payment of wages by employers. The goals of the legislation were groundbreaking. It was the first time Congress acted on this issue, addressing what was a real and growing problem as more women entered the workforce. But it has been over 50 years since the Equal Pay Act became law, and since then, a lot of things have changed.

A recent Pew Research study found that women are the primary earner in 40 percent of households today. Additionally, many of these women are the sole earners. But what is often missed in the discussion about equal pay is the impact the pay gap continues to have on these households who are dependent on the salaries of women.

The pay gap results in $4,000 less per year for working families, and $434,000 less over a lifetime. Imagine what these families could accomplish if they simply got what they were owed. With the rising costs for child care, medical care, and filling up the family car, these families are held down by unfair and unjust pay policies.

While these are the day-to-day impacts of the pay gap, there are also even greater consequences over a lifetime. The pay gap affects your income, your pension, and your Social Security. Women's Social Security benefits are only 71 percent of men's benefits. The average income for women from private pensions is only 48 percent of men's. The consequences of our inaction on pay equity are following women out of the workplace and further impacting their lives down the line.

For years I have fought for a solution to this—the Paycheck Fairness Act. The Paycheck Fairness Act builds on the Equal Pay Act to help close the pay gap. Under the Paycheck Fairness Act, employers will no longer be able to retaliate against workers for sharing information about wages. Right now, if you ask someone what they get paid you can get fired. For years, Lilly Ledbetter was humiliated and harassed because she tried to find out what she was making compared to her colleagues. Women will also no longer be able to only seek back pay when they are discriminated against. Under this legislation they are also able to seek punitive damages.

Under the Paycheck Fairness Act, employers will no longer be able to use almost any reason imaginable to justify paying a woman less than a man. And under this legislation, women will no longer be on their own in fighting for equal pay for equal work. This bill includes education and training so women can strengthen their negotiation skills and learn about wage discrimination.

In this country, they say: Work hard, play by the rules, and you will get ahead. We work hard every day but we find the rules are different for women and men. In 1963, women made 59 cents for every $1 made by men. And more than 50 years later, we have made an 18-cent gain. In 2012, women made 77 cents for every $1 earned by men. Fifty-two years and 18 cents—that is not rewarding hard work, and it is certainly not playing by the rules.

Today, on the 5th anniversary of the Lilly Ledbetter Act, I call on my colleagues to join me in stepping up to the plate and fixing the pay gap by supporting the Paycheck Fairness Act. Let's end pay inequity and end the policies that keep women uneducated and unequipped to fight for their fair share.

It is not just for our pocketbooks—it is about the family checkbooks and getting it right in the law books. It is also about the generations of women to come. Let's finish what we started, and let's make sure it doesn't take another 50 years to end pay inequity.

UKRAINE

Mr. CORNYN. Mr. President, in 1991 the free world cheered as Ukraine and other former Soviet republics gained their independence. Unfortunately, Ukrainian democracy is now under siege, as peaceful antigovernment protests have been met with brutal violence.

Over the past few years, reports of popular protests against oppressive regimes have become commonplace. Yet the frequency of such events does not obviate our moral responsibility to stand shoulder to shoulder with freedom-loving people around the world who seek to throw off unjust and despotic regimes in pursuit of liberty, democracy, and the rule of law.

The United States has been a strong supporter of the Ukrainian people's efforts to create a strong nation, built on